REPORT RESUMES

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STATE LEVEL GOVERNANCE OF CALIFORNIA JUNIOR COLLEGES.

BY- MEDSKER, LELAND L. CLARK, GEORGE W.
CALIFORNIA STATE COORD. COUNCIL FOR HIGHER EDUC.

REPORT NUMBER BR-5-0248-6 PUB DATE AUG 66
CONTRACT OEC-6-10-106
EDRS PRICE MF-$0.18 HC-$4.36 109P.

DESCRIPTORS- GOVERNMENT (ADMINISTRATIVE BODY), *STATE GOVERNMENT, *JUNIOR COLLEGES, *STATE BOARDS, *ADMINISTRATIVE CHANGE, ADMINISTRATIVE ORGANIZATION, ADMINISTRATIVE AGENCIES, *ORGANIZATIONAL CHANGE, RESEARCH AND DEVELOPMENT CENTERS, BERKELEY

AN ASSESSMENT WAS MADE OF THE NEED FOR AND IMPLICATIONS OF ESTABLISHING A STATE BOARD FOR THE JUNIOR COLLEGES OF CALIFORNIA. WHILE CONCERNED PRIMARILY WITH THE QUESTION OF THE ADVISABILITY OF ESTABLISHING SUCH AN AGENCY, THE INVESTIGATORS ALSO DEALT WITH (1) THE COMPOSITION, DUTIES, POWERS, AND RESPONSIBILITIES OF SUCH A BOARD, (2) STATUTORY AND FISCAL IMPLICATIONS, AND (3) MEANS FOR INSURING THAT SUCH A CHANGE WOULD NOT ENDANGER THE PRESENT SYSTEM OF JOINT LOCAL-STATE GOVERNANCE. EXTENSIVE INTERVIEWS WERE CONDUCTED, AND AN OPINION QUESTIONNAIRE WAS ADMINISTERED TO FACULTY MEMBERS, ADMINISTRATORS, AND TRUSTEES OF JUNIOR COLLEGES IN CALIFORNIA. STUDIES WERE ALSO MADE OF JUNIOR-COLLEGE GOVERNANCE PATTERNS IN ILLINOIS, FLORIDA, ARIZONA, AND MICHIGAN. IT WAS CONCLUDED THAT A STATE BOARD SHOULD BE CREATED AND THAT, WITH SUFFICIENTLY BROAD AND GENERAL POWERS, IT COULD EFFECTIVELY COORDINATE JUNIOR COLLEGE PROGRAMS. (GD)

A Report from
The Center for
Research and Development in
Higher Education
4606 TOLMAN HALL
UNIVERSITY OF CALIFORNIA, BERKELEY

BR-5-0248-6
OEC-6-10-106
P.A. 24

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LELAND L. MEDSKER
GEORGE W. CLARK

August, 1966

A special study authorized and supported by the
CALIFORNIA COORDINATING COUNCIL FOR HIGHER EDUCATION

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ACKNOWLEDGMENTS

The study staff has been assisted by a large number of individuals both within California and across the nation.

Within California the respondents to questionnaires and interviews included junior college faculty, administrators, and board members as well as state officials and legislators. Approximately 1,800 individuals have contributed data compiled in this study. Many participated in interviews and were most helpful in specifying problems and concerns related to the topic.

In addition, numerous organizations have been represented on the study's advisory committee; the contribution of these representatives is gratefully acknowledged.

Carmen A. Goad	California Junior College Faculty Association
Worth Keene	California School Boards Association, Junior College Section
Norma Hall	California Federation of Teachers
George S. Starrett	California Teachers Association
Robert E. Swenson	California Junior College Association

The collection of current information on practices and organization in other states was facilitated by Dr. Ferris Crawford (Michigan), Mr. Marvin Knudson (Arizona), Mr. Gerald Smith (Illinois), and Dr. James Wattenbarger (Florida). Their cooperation provided access to individuals and information, which would not have been otherwise attained.

Dwight Waldo, Professor of Political Science and Director of the Institute of Governmental Studies, Berkeley, has provided helpful insight and comment from a wide experience in governmental affairs and complex organizations.

Finally, the staff in the several sections of the Center for Research and Development in Higher Education has provided help with the essential tasks of statistical analysis, as well as additional information from other relevant studies.

August, 1966

L.L.M.

G.W.C.

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CHAPTER I

THE SEARCH FOR CONSENSUS ON JUNIOR COLLEGE GOVERNANCE IN CALIFORNIA

Those who have occasion to read this report will already be familiar with the growth and development of the public junior college and with the increasingly important role it is playing in California and elsewhere throughout the nation. Thus, for introductory purposes, it is not necessary to dwell on junior college history, present status, purposes, nature, and problems. The facts that in July, 1966, 66 local districts in California maintained a total of 78 junior colleges and that in October, 1965, they had an enrollment of 542,989 students,[1] indicate the significance of these institutions in the state. Of the total number of students, 188,874 were full-time.

All states which place increasing reliance on the public junior or community college as a means of meeting the need and demand for post-high school and adult education must deal with the problems of how the college may best be structured and governed within the state's educational system. In the majority of states, as in California, the junior college is maintained and governed principally by some type of local district. In several states--and the number is gradually increasing--the two-year colleges are fully supported and controlled by the state as regional institutions to serve local needs, with the problem of governance centered at the state level. Various patterns with regard to governing boards are found among the states which organize their two-year colleges in this fashion. However, even in the states where junior colleges are under local control there is still the problem of how the various local institutions collectively can constitute some "system" of two-year colleges that will be able to provide educational services in an efficient and equitable manner for the state as a whole.

The problem of systematizing leads to the question of defining the role the state should play in such matters as overall master planning as well as coordinating, supervising, and servicing junior colleges maintained by local districts. As described in Chapter IV, both the degree to which these matters are effected, and the structure provided at the state level for effecting them, varies among the states. There is little doubt, however, that the issue of the state's responsibility is receiving increasing attention everywhere, spurred by rapidly mounting enrollments in junior colleges as well as by the accelerating trend toward increased state support for both junior college operation and capital outlay purposes.

Thus if the question in California of the state's role in assuring the best possible system of junior colleges is not unique, it is at least significant. Indeed, on the basis of the discussion during the last four years, it would appear to be crucial.

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[1] "Junior College Active Enrollments Fall 1965," California State Department of Education, Sacramento. February 7, 1966.

Local Control: Historic Patterns and Recent Legislation

Historically, junior colleges in California have operated under four types of local districts with a local governing body as the responsible authority. This variation in local control has been due in part to the succession of legislative acts under which junior colleges could be established. The various patterns are:

1. High school districts maintaining junior colleges.
2. Unified districts maintaining junior colleges.
3. Junior college districts having a common administration (boards of trustees and superintendent) with a high school or unified district.
4. Junior college districts having a separate board of trustees and administration.

Of the 66 districts now maintaining junior colleges, six are unified, one is a high school district, and 59 are separate districts. The trend is unmistakably in the direction of separate districts since only five years ago the figures were 12, 16, and 28 respectively.

Henry Tyler, the long-time executive secretary of the CJCA, recently commented on organizational patterns in California.

> There is in some quarters strong feeling that every junior college district should have a governing board responsible solely for junior college governance; that there is a notable trend in this direction may be seen by the figures just cited [figures similar to those above]. Certain groups in the state are currently advocating legislation that would require this organization for all junior colleges. Proponents of unified (kindergarten through junior college) districts see advantages in that form of organization, and resist mandatory change. Still others argue for local option in determining the pattern to be followed.

Within the last five years significant legislation, relevant to district organization has been passed. (See Appendix V, especially Education Code, Sections 25431 through 25501.) Among the provisions are:

1. The minimum population and wealth requirements for projected new junior colleges have been raised except in situations where they are left to the discretion of the State Board of Education. Formation of a junior college district now requires a potential of 1,000 in average daily attendance within two years and an assessed valuation per ADA of at least $150,000.

2. Only separate junior college districts may now establish junior colleges.

In addition, the legislature has expressed its intention that all high school districts rapidly come within districts maintaining junior colleges.

Proposals Relating to State Agencies Serving Junior Colleges

At the same time that the pattern of governance at the local level has undergone evolutionary changes, there has been increasing concern about the nature of the state agency that should coordinate and serve the state's rapidly growing number of junior colleges. Traditionally, this responsibility has rested with the State Board of Education; the agency responsible for administration has been the State Department of Education. The Board's authority is derived from statutes and regulations in the Education Code. At first the specific responsibilities were vested in the Department's Bureau of Secondary Education. Later a Bureau of Junior Colleges was established, and in 1965 the Bureau was reorganized for purposes of efficiency. For many years representatives of individual colleges have felt that more adequate statewide attention to this level of education was needed and have sought appropriate changes within the Department. The goal of many persons has been the establishment of a Division of Junior Colleges with an Associate Superintendent.

Commenting on the matter of state level supervision and service, Dr. Tyler also had this to say:

> Because the state board's agenda are often full mostly with items not relating to junior colleges and because responsibility for the state department services to junior colleges has been scattered widely among the department's 1,800 staff members, some desire has recently been expressed for legislation that would give junior colleges a state board of their own with necessary state level staff. Partly to counter such a move and partly to improve services, the state superintendent is at present seeking to make a number of internal changes in the department in order to bring together all of the persons with responsibility to junior colleges. Also a junior college committee of the state board has recently been named and is taking great interest in becoming more familiar with junior college needs.[2]

Meanwhile, over the last few years many individuals in the state had come to believe that the best interest of the junior colleges as well as that of the state would be served by the establishment of a separate board for junior colleges. The proposal has by no means met with universal approval. Quite to the contrary, the topic soon became the subject of considerable debate.

During the 1965 legislative session Senator Walter W. Stiern introduced a bill (S.B. 799) to establish a separate board for junior colleges. While the bill was not enacted, it focused further attention on the idea of such a board. Several faculty organizations in California supported the legislation while the California Junior College Association requested a delay in action until a study of governance could be made. Meanwhile, the subject has been widely discussed at innumerable meetings of professional associations and other groups. Perhaps no topic pertaining to the junior colleges has generated as much recent discussion as this one.

Delineation of Problems

On March 30, 1965, the Coordinating Council for Higher Education passed a resolution which read in part:

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[2] Henry T. Tyler, "Full Partners in California's Higher Education," Junior College Journal, March, 1965, Volume 35, No. 6, pp. 5-7.

> Resolved that the staff of the Coordinating Council for Higher Education is directed to immediately begin an intensive study of:
>
> 1. The data pertaining to the advisability of the establishment of a state board for the junior colleges, and
> 2. The composition, duties, powers and responsibilities of such a board, and
> 3. The statutory and fiscal implications involved in such a change of governance, and
> 4. The means for insuring that such a change will not endanger the present system of joint local-state governance . . .

In June, 1965, the Council staff entered into an agreement with the Center for Research and Development in Higher Education to conduct such a study. It was agreed that the Center should address itself primarily to the first item of the Council's resolution, but to the extent necessary it should deal also with the remaining three items.

The specific problems, posed by the general question of state involvement in junior college matters, are not new. To a large measure they stem from the basic issue involved in much of state government, namely, the relationship between state and local units. The same issue also exists in the situation between the states and the federal government. In a somewhat different fashion it exists in all large, complex organizations and underlies the questions concerning decentralization versus centralization. Waldo placed the problem in a broad perspective when he wrote:

> "Centralization versus decentralization" is not a classic and recurring problem of political philosophy in the sense that "Who should rule?" has proved to be. Instead, the precedents and analogues are limited to the political writings of modern times, because the problems posed are modern. These problems relate to the nation-state; to large-scale representative government and the ideological force of "democracy"; and to the rise of science and technology, which has transformed the space-time aspects of our life, and has engendered in acute form the problem of "functionalism" or expertise. The literature of federalism versus the unitary state, of local self-government versus centralized administration, of monism versus pluralism in the law, of cultural autonomy versus uniform national culture, of party dictatorship versus corporatism--these are the modern problems in political theory to which the centripetal and centrifugal forces in public administration are analogous, and in relation to which they are seen in their proper perspective.[3]

To be sure, the question of whether there should be a separate state board for junior colleges does not necessarily suggest that under such a board California would have a centralized system of junior colleges. Certainly the system would not be completely centralized, but whether it would be more so than under the present arrangement is debatable. The question of whether the system of junior colleges in California should be more highly structured is one to which the present study has been addressed.

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[3] Dwight Waldo, "The Administrative State; A Study of the Political Theory of American Public Administration," (New York: Ronald, 1948), p. 130.

The basic nature of the problem, which spreads across the wide spectrum of government and large-scale organization, is such that it can and should be viewed from many angles. It is hardly sufficient to rely on general value judgments as to what organizational pattern for California junior colleges should or should not exist. Opinions are important but they should be related to factual knowledge of the way the colleges can and do operate, so that the advantages of local autonomy can be preserved while permitting the entire system to function effectively.

Much has been written about the need for each individual junior college to institutionalize itself--to effect agreement within itself on its goals and purposes, to build an identity of its own, to create an image of its character. This remains essential. At the same time, it is important that collectively the junior colleges in California strive for a type of statewide institutionalization. The nature of the coordinating agency needed at the state level has been the principal object of this study.

CHAPTER II

FORMULATION OF THE STUDY

Following an agreement between the Council and the Center concerning the responsibility of the latter to conduct a study of state-level governance of California junior colleges, a proposal outlining the issues, questions, information needed, and proposed procedures was drafted by the Center and presented by its vice-chairman to the Council's Committee on Educational Programs. Subsequently, the outline was also presented to the Junior College Committee of the State Board of Education and discussed with the Center's special advisory committee. The latter included representatives from the California Junior College Association, the various junior college faculty organizations, and the junior college section of the California School Boards Association. The proposal appears in its final form in Appendix I.

Assumptions and Guidelines

The first and principal item of the Council's resolution authorizing the study, referred to data on the "advisability of the establishment of a state board for junior colleges." It was this item to which the Center was directed to give primary attention. At the outset, the Center staff assumed that the junior colleges should be closely identified with the communities they serve, and no consideration was given to the possibility of placing the system of junior colleges wholly under state control.

As a means of establishing some guidelines for the study, the staff early identified the following issues and problems for pragmatic investigation:

1. What services at the state level are needed by junior colleges?
2. What degree of coordination and regulation of junior colleges is necessary at the state level?
3. To what degree are the State Board of Education and the State Department of Education now serving and coordinating junior colleges? What services are not being performed?
4. A basic issue: Given a variety of possible organization patterns, which one or ones would appear to provide maximum efficiency at the state level and at the same time afford maximum flexibility of response to educational needs at the local level?
5. What are the possible advantages and disadvantages of a separate state agency for junior colleges?
6. What legal problems would be involved in transferring service and coordination from the present State Board of Education to a separate board for junior colleges?
7. What should be the relationship of a separate state agency to local junior college boards and what would likely be the impact of such a board on local control? On local district organization?

8. What would be the impact of a separate agency at the state level on such matters as the pattern of financial support of the junior colleges: special state and federal programs such as the Manpower Development and Training Act, Economic Opportunity Act, adult education, vocational education, and guarantees of tenure and retirement benefits for both professional and classified personnel?
9. If a separate agency were to be established, what should be its membership, powers, and duties?
10. What should be the nature and size of the staff for a separate agency?

It is apparent that the first eight issues relate primarily to the question of advisability, and that items nine and ten are more concerned with the structure and function of a possibly separate board, although at some point the latter questions have relevance for the former. The study staff did not attempt to obtain categorical answers for each question, but rather used the questions as a basis for formulating its own assessment.

Nature of the Data: Fact and Opinion

It was necessary, early in the project, to determine what information would be needed for evaluating the advisability of a separate state board. The advisory committee was helpful at two points in the investigation, first at a meeting held early in the planning stage, and later at a meeting held after considerable data had been collected. The second meeting was also attended by Dwight Waldo, Professor of Political Science and Director of the Institute of Governmental Studies at the Berkeley campus of the University of California. Professor Waldo served as a consultant to the study staff in reviewing the project findings.

In general, it was agreed that in addition to gathering certain specific information relative to the questions posed, it would be desirable to assemble the opinions of individuals in various groups. Since the advisability of a given model for governance depends to a considerable extent on its comprehensiveness and its potential viability as viewed by those most concerned, views were sought from junior college administrators, faculty members, board members, legislators, and certain other key figures in the state. In addition, the State Legislative Counsel was asked for opinions on legal questions related to possible shifts of function to a state board. Considerable time and effort were expended in eliciting ideas and opinions on the nature and extent of coordination and services which should be performed by any state agency, not necessarily a separate board. Respondents were also asked to comment on whether or not they considered a separate board to be the most logical agency for coordination and service.

Some of the factual data studies by investigators included the State Board of Education's present powers and duties with respect to junior colleges. The present organization in the State Department of Education for governing and servicing junior colleges was examined, as well as the functioning of the newly established junior college advisory council to the State Board. The staff also familiarized itself with pertinent California legislation, and with testimony offered at legislative hearings on the subject of governance. It should be noted, however, that the Center staff made no attempt to determine whether changes should be made in the existing structure to facilitate the coordination of junior college affairs since this was the responsibility of another agency employed to study the State Department of Education.

Research Methods and Sources

As implied earlier, questionnaires, interviews, and documentary research were utilized during the course of the study. Questionnaires were used to solicit opinions of chief administrators, staff members, and board members from a random sample of California junior colleges. These materials are discussed in Chapter III, with some questionnaires shown in Appendices II and III. The study staff also interviewed selected legislators and state government officials, whose views contribute to the discussion in Chapter III.

In order to examine related procedures in other states, a survey was made of the general structure of junior college governance throughout the country, with detailed attention being given to four states whose situation was found to be relevant to California. Two of the four have established separate state boards, while the other two have special councils which operate in close connection with their State Boards of Education. For this phase of the study, a staff member traveled to Illinois, Florida, Arizona, and Michigan. He was able to interview numerous individuals involved in the states' programs, as well as analyzing a variety of documents from each of the four states. This material is presented in Chapter IV.

From the outset of the study, the Center staff was fully cognizant of the fact that no study, however well documented, can completely prove or disprove the advisability of a change in the structure of government, or of a move such as the creation of a proposed separate state board for junior colleges. The Center staff interpreted its responsibility as one of assembling appropriate information and then of making the best possible interpretation of it. The question of advisability is not "researchable" in the sense that eliciting, marshalling, and presenting the facts will give a clear and convincing answer. The staff was therefore obliged to make value judgments concerning the relevance of certain data and their meaning. At the same time, they recognized the necessity for maintaining a high degree of objectivity in interpreting the findings and arriving at conclusions. Matters of interpretation commonly elicit differences of opinion, and any readers who find they disagree with the staff's conclusions may well trace such disagreement back to the stage of interpretation.

CHAPTER III

SURVEY OF OPINION IN CALIFORNIA:
Junior College Staffs, Chief Administrators,
Local Board Members, Legislators, State Officials

As previously noted, one important facet of the study was to survey opinions and recommendations of concerned groups in California. They were asked to comment on possible structures and powers of any statewide agency for junior college governance in California as well as the services such an agency should render. The findings are reported on the following pages.

Preferred Structure

Basically, the objective here was to obtain informed opinions on the alternatives for statewide governance patterns, i.e., whether under various arrangements the responsibility should continue to reside in the State Board of Education and the State Department of Education or whether a new agency for junior college governance should be established. Two groups of respondents--chief administrators and legislators--were also asked to comment on the composition of a separate board should one be established.

Junior College Staff

As may be observed from Table 1, nearly half (45.9 percent) of the 1,285 staff members (of whom 90 percent were estimated to be faculty and 10 percent to be administrators) in the 12 randomly selected junior colleges favored a separate state board for junior colleges. Only 10 percent indicated that the junior colleges should remain under the State Board of Education with the State Department of Education so organized that all services for junior colleges were in one administrative agency. However, a fourth of the group favored the junior colleges' remaining under the State Baord (organized as indicated above) with a special advisory council on junior college matters for the State Board. Presumably, this group of staff members would favor the organization as it currently exists, now that the advisory panel is in operation. It is noteworthy that 15 percent of the staff indicated no opinion on the matter of governance at the state level. Perhaps this should not be surprising since many faculty members may not have had occasion to consider the problem, especially newer and younger teachers who have recently come to California.

Chief Administrators

The 70 chief administrators (presidents and district superintendents) responded to the question of structure in the manner reported in Table II. Fifty-one

TABLE I

LOCATION, GROUPING OF SERVICES AT STATE LEVEL--
JUNIOR COLLEGE STAFF VIEWS
(Staff N = 1285 from 12 Junior Colleges)

Which of the following arragements do you favor for California junior colleges?

		No.	Percent
1.	Continue under the State Board of Education with a reorganization of the Department of Education which would bring together all department services for junior colleges within one administrative agency.	132	10.2
2.	Continue under the State Board of Education with a special advisory council for junior colleges and a reorganization of the Department of Education which would bring together all department services for junior colleges within one administrative agency.	330	25.8
3.	Establish a new separate State Board for Junior Colleges with an appropriate professional and clerical staff.	589	45.9
4.	Other:____________________	38	2.9
5.	No opinion and blank.	196	15.2
	Totals:	1285	100.0

TABLE II

STRUCTURE, COMPOSITION OF STATE AGENCY--CHIEF ADMINISTRATORS' VIEWS
(N = 70)

STRUCTURE	No.	Percent
Separate Agency	51	72.9
Advisory Agency	14	20.0
Staff Unit (sub-agency)	5	7.1
	70	100.0
COMPOSITION of a separate board:		
a. All lay, no local board members	3	4.2
All lay, some local board members	36	51.6
Combination of lay and professional	26	37.1
All lay, all local board (write in)	5	7.1
	70	100.0
b. Representation on a separate board from other segments and State Department of Education:		
Yes	18	25.7
No	42	60.0
No opinion	6	8.6
Blank	4	5.7
	70	100.0

(or almost 73 percent) of the administrators favored a separate state agency. Only five (7 percent) of the administrators were in favor of leaving the jurisdiction with the State Board and staff unit within the State Department of Education. Fourteen (20 percent favored such an arrangement if it were accompanied by an agency advisory to the State Board.

The returns from both the administrators and the overall staff were somewhat unexpected in view of the positions which some individuals and professional associations representing these groups had previously expressed. Certain junior college faculty associations have strongly backed the idea of a separate state board for several years, yet not quite a majority of the staff in the sample were in favor of such a board. On the other hand, while many junior college chief administrators in the state are known to have opposed such a board in the past, nearly three-fourths of them now seem to favor this type of structure.

Several chief administrators wrote comments on the questionnaires they returned. The following comment returned by one administrator is an indication of recent changes in point of view:

> My replies on the questionnaire are much different than those I would have given you six months or perhaps even a month ago. My change of heart is not a matter of capitulation but rather the result of seeing, first hand, (in Sacramento, particularly) that the junior colleges are now in the big leagues--with the University of California, the State Colleges, and the Independent Colleges. We therefore need a "professional team" . . . . and a change will come about only through a drastic revision of the governance of the California junior colleges.
>
> This revision should not be at the expense of "local control" but we may need a new definition of what constitutes proper local control. As has been said many times, great abuses have been foisted upon the people in the guise of local control.

The chief administrators were also asked to indicate their preference in the composition of any separate state board. As shown in Table II, the administrators favor lay board members, although slightly more than half of them believe that some of the lay members should also be members of local governing boards. The advisory committee pointed out that this question did not differentiate between previous and current membership on a board. Only slightly more than a third said that the board should be composed of a combination of lay and professional members. A majority (60 percent) were opposed to having representatives from other segments of education and from the State Department of Education.

Members of Local Governing Boards

Since local board members had only recently (1965) been polled by Dr. Charles Sapper in connection with his doctoral dissertation, to learn their opinions concerning structure, the Center did not repeat the inquiry. The results of Sapper's poll on state governance are reported in Table III. It is important to note that at the time Sapper's inquiry was made (early 1965), neither the reorganization within the State Department nor the establishment of the advisory panel had been effected although both were under consideration. At that time about a third of the trustees believed that a reorganization within the Department alone would

TABLE III

ATTITUDES OF TRUSTEES TOWARD STATEWIDE COORDINATION[4]

Attitudes Reported	Percentages Favoring
Continue under the State Board of Education and Department of Education as at present.	18.15
Continue under the State Board of Education with a reorganization of the Department of Education which would bring together all department services for junior colleges within one administrative agency.	35.44
Continue under the State Board of Education with a special advisory board for junior colleges and the present organization of the Department of Education.	3.79
Continue under the State Board of Education with a special advisory board for junior colleges and a reorganization of the Department of Education which would bring together all department services for junior colleges within one administrative agency.	22.36
Establish a new separate State Board for Junior Colleges with an appropriate professional and clerical staff to serve individual districts.	17.31
Other.	2.95

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[4] C. K. Sapper, "Selected Social, Economic and Attitudinal Characteristics of Trustees of California's Public Junior Colleges," unpublished doctoral dissertation, U. C., Berkeley, June, 1966, pp. 95-96. Chart based on slightly over 70 percent response from sample N of 354.

suffice, while another 22 percent were in favor of both the reorganization and the establishment of an advisory panel. Even at that time, 17 percent of the trustees favored a new separate board.

In the several months that have elapsed since the response to the Sapper questionnaire, there apparently has been a decided shift in attitude among the trustees. At a meeting of the Junior College Section of the California School Boards Association in June, 1966, a decision was taken to draft legislation providing for a State Board for Community Colleges.

Legislators

As would be expected, there was a wide range of opinion with respect to forms of junior college governance. One senator said that the agencies concerned should study the problem (as we were doing) and make recommendations to the legislature. Another senator expressed doubt that the particular board or mechanisms make much difference. He spoke in favor of "the compact" idea and suggested that the junior colleges themselves should do their own coordination. An assemblyman said he thought that eventually the junior colleges should be taken over by the state (an alternative, he said, was for them to become part of the state college system) but that in the meantime they would be served best by remaining under the State Board. He stated that if the present arrangement isn't working, it should be changed so that it would work.

However, by far the majority of the legislators interviewed expressed the opinion that a separate agency should be established. Reasons for such opinions included the facts that, in their judgment, the State Board has too many other responsibilities to give adequate attention to junior colleges, and that a separate agency would be able to speak with greater consensus for junior colleges as well as giving them better direction and greater visibility. The legislators seemed genuinely concerned about the welfare of junior colleges--some said that not nearly enough had been done for this segment of education--but many were critical of college representatives, saying that they exhibit lack of unity, and have a tendency for each to get everything possible for his own district without regard for the system as a whole. There seemed to be consensus among those interviewed that a) inevitably the state would expect to exercise greater coordination of junior colleges as increasing responsibilities are placed on them, and that b) the climate in the legislature is such that in the next session (1967) there will be a press for legislation establishing a separate board.

By and large the legislators favoring a separate board believed that its powers should be broad and general and that care should be taken to preserve the autonomy of local districts.

Those members of the legislature who expressed opinions in favor of a separate agency varied somewhat in their ideas as to the composition of the board. But they were consistent in their belief that above all the calibre of the board should be high and that it should be primarily a lay group appointed by the governor for a reasonably long term. One suggested that the governor might appoint a panel for the purpose of nominating a list of individuals from which he would appoint. There were differences of opinion as to whether some members of local junior college boards should hold membership on the state board, some being strongly in favor of such an idea and others opposed to it. One suggested that a limited number of professionals representing other segments might logically be appointed to the board.

State Officials

Interviews with numerous officials in the State Department of Education and other agencies revealed a variety of attitudes concerning the problem of junior college governance. There were those who felt that it would be wrong as well as difficult to separate the junior colleges from the State Board and the Department. Others felt that regardless of the merits of having the junior colleges remain under the present arrangement (or some modification thereof), a move toward a separate board is inevitable; the paramount question is how best to meet the problems of apportioning state aid and of planning coordinated programs in vocational and adult education after separation. In this connection several individuals indicated their belief that the State Department of Education might logically contract with the new board to render certain functions. Obviously, this would require a precise allocation of function to the junior colleges.

Statewide Services Needed

Although the items were not identical, both the questionnaires for junior college staff members and for chief administrators contained questions concerning the services that any statewide agency should render to the junior colleges throughout the state. This is an exceedingly important consideration; if the individual junior colleges are to move ahead collectively, they must look to some agency at the state level to perform various services for them. The response from both the staff and the administrators to several questions pertaining to these services is revealing.

Junior College Staff

In Table IV are found the responses to certain suggested services without regard to how the respondents felt about the structure of the statewide agency. The majority of the staff believe that certain services are highly desirable. The suggested service ranking lowest was that of advising on local fiscal matters. Surprisingly, the next lowest ranked service was that of consulting on curricular and instructional matters. It might have been assumed that the faculty would regard such a service favorably, yet 22.7 percent rejected the idea. Apparently, there is a feeling of self-sufficiency in the area of instruction.

A further analysis of the responses revealed that regardless of whether the staff members were for or against a separate state board, they ranked the needed services in the same order. In fact, there was scarcely any difference of opinion between those who favored a separate board and those who felt that the State Board of Education should be the responsible agency.

Chief Administrators

That the chief administrators also believe that some statewide agency should perform a variety of services is evident from the data in Table V although in some cases the percentages in favor were not as high as were those for the general staff. However, because of the difference in the way the two questionnaires were constructed, no attempt is made to compare the two groups. The only service which the administrators overwhelmingly rejected was that of the state agency's approving the academic calendar. There were also sizable minorities who would restrict state

TABLE IV

SERVICES NEEDED FROM A STATE LEVEL AGENCY--
JUNIOR COLLEGE STAFF VIEWS
(N = 1285)

To what extent do you consider it desirable that a state-wide agency render services such as the following to local junior colleges?

	Desirable	Undesirable	No opinion or blank
a. Reporting to the field on junior college problems, practices, and findings from research	1203 93.6	31 2.4	51 3.9
b. Conducting research on junior college problems	1182 91.9	48 3.7	55 4.2
c. Assisting the junior colleges and the appropriate associations in formulating and passing legislation pertaining to junior colleges	1171 91.0	56 4.3	58 4.4
d. Assisting in applying for grants from government agencies and foundations	1120 87.1	85 6.6	80 6.1
e. Consulting on matters pertaining to facilities and plant construction	1018 79.2	179 13.9	88 6.7
f. Consulting on curricular and instructional matters	902 70.1	292 22.7	91 7.0
g. Advising on local fiscal matters	774 60.1	322 25.0	189 14.6

TABLE V

SERVICES NEEDED FROM A STATE LEVEL AGENCY-- CHIEF ADMINISTRATOR'S VIEWS (N = 70)

What, if any, services should any state level agency provide?

	Yes	No	No opinion or blank
1. Initiate and conduct research on and long range planning for:			
a. Educational media (e.g., TV)	60 85.7	7 10.0	3 4.2
b. Facility design	47 67.1	20 28.5	3 4.2
c. Curricular innovation	56 80.0	13 18.5	1 1.4
d. Faculty recruitment	42 60.0	23 32.8	5 7.1
e. Student characteristics	53 75.7	12 17.1	5 7.1
f. Administrative structure	41 58.5	26 37.1	3 4.2
g. Plant utilization	58 82.8	8 11.4	4 5.6
2. Coordinating machinery			
a. Provide a major channel for articulation	70 100.0	0 0	0 0
b. Approve academic calendar	14 20.0	50 71.4	6 8.4
c. Become the general reporting agency for junior colleges	67 95.7	2 2.8	1 1.4
d. Become an information center on problems and practices	67 95.7	2 2.8	1 1.4
e. Become the general spokesman for the California Junior Colleges	58 82.8	9 12.8	3 4.2

services in research and long-range planning in such areas as administrative structure, faculty recruitment, and facility design.

Table VI represents an effort to see whether there are differences in the way the administrators view needed services according to whether they are in favor of a separate state board (group 1 in the table) or whether they believe the responsibility should rest with the State Board of Education (group 2 in the table). There were minor differences in several items with the group favoring a separate board generally more likely to advocate centralized services. The only items in which the differences were significant were 1f and 2e. In [illegible] 1f the significant difference is found in the "no" responses at the .02 level.

Another cleavage appeared in item 2e relating to the state agency's becoming the general spokesman for the California junior colleges. 92.1 percent of group 1 favored such action while only 57.8 percent of group 2 agreed. Just under two percent of group 1 rejected such coordination, while 42.1 percent of group 2 did. Both the "yes" and "no" columns in this item record significant differences at the .01 level.

Specific Powers

Both the staff and the chief administrators were queried as to the specific powers they thought should reside in any statewide agency. This too is construed to be most important, since unless a state agency has certain powers and responsibilities its influence on the junior colleges as a system may be minimal. Yet if an excess of legal authority is vested in the state agency the autonomy of local districts may be jeopardized and the individual junior colleges may, though of course not necessarily, be reduced to a system of conformity.

Junior College Staff

In Table VII are reported the opinions of the staff on the matter of specific powers. The responses for allocation of powers reveal marked differences from the allocation of services. While there was general agreement by a majority that services should be provided from the state, only four of 11 powers suggested were regarded as desirably located at the state level. The degree of support for such allocation is also much more varied, ranging from 87.4 percent for item a. to a bare majority of 51.6 percent for item d. The remaining items were allocated to the state agency by the respondents in degrees from 40.8 percent for item e. to only 5.0 percent for item k. It is of interest to note the rejection of powers currently, if nominally, held by the State Board of Education. These appear in Appendix IV.

If Table VII were arranged according to powers which the staff believe should be retained at the local level, the order would be as follows:

a.	Approving textbooks and teaching materials	91.9%
b.	Approving appointments of chief administrators in local colleges	79.8
c.	Approving courses of study in local colleges	77.6
d.	Approving curricula in local colleges	75.3
e.	Approving the academic calendar	70.0

TABLE VI

VIEWS ON NEEDED SERVICES COMPATED WITH ATTITUDES TOWARD SEPARATE BOARD--CHIEF ADMINISTRATORS

Group 1 - favors separate state board
Group 2 - favors State Board of Education

SERVICES

	Group 1 (N = 51)			Group 2 (N = 19)		
	Yes	No	O/B[6]	Yes	No	O/B[6]
1. Initiate and conduct research on and long range planning for:						
a. Educational media (e.g., TV)	45 88.2	5 9.8	1 1.9	15 78.9	2 10.5	2 10.5
b. Facility design	38 74.5	12 23.5	1 1.9	9 47.3	8 42.1	2 10.5
c. Curricular innovation	43 84.3	7 13.7	1 1.9	13 68.4	6 31.5	0 0
d. Faculty recruitment	32 62.7	16 31.3	3 5.8	10 52.6	7 36.8	2 10.5
e. Student characteristics	40 78.4	7 13.7	4 7.8	13 68.4	5 26.3	1 5.2
f. Administrative structure[5]	34 66.6	14 27.4	3 5.8	7 36.8	12 63.1	0 0
g. Plant utilization	42 82.3	5 9.8	4 7.8	16 84.2	3 15.7	0 0
2. Coordinating machinery						
a. Provide a major channel for articulation	51 100.0	0 0	0 0	19 100.0	0 0	0 0
b. Approve academic calendar	12 23.5	35 68.6	4 7.8	2 10.5	15 78.9	2 10.5
c. Become the general reporting agency for junior colleges	50 98.0	1 1.9	0 0	17 89.4	1 5.2	1 5.2
d. Become an information center on problems and practices	48 94.1	2 3.9	1 1.9	19 100.0	0 0	0 0
e. Become the general spokesman for the California Junior Colleges[5]	47 92.1	1 1.9	3 5.8	11 57.8	8 42.1	0 0

---

[5] Note significant differences

[6] No opinion, or blank

TABLE VII

POWERS THAT SHOULD BE VESTED IN A STATE LEVEL AGENCY-- JUNIOR COLLEGE STAFF VIEWS (N = 1285)

To what extent, if at all, is it desirable that some statewide agency have the responsibility for:

	Desirable	Undesirable	No opinion or blank
a. Effecting liaison between junior colleges and other segments of education	1124 87.4	108 8.4	53 4.0
b. Determining minimum qualifications for faculty and administrators	936 72.8	298 23.1	51 3.9
c. Setting standards for graduation	767 59.5	448 34.8	70 5.4
d. Serving as an official spokesman for junior colleges as a whole	665 51.6	495 38.5	125 9.7
e. Setting standards for student personnel services	525 40.8	613 47.7	147 11.3
f. Setting probation and retention standards for junior college students	490 38.0	691 53.7	104 8.0
g. Approving curricula in local colleges	268 20.8	969 75.4	48 3.7
h. Approving the academic calendar	266 20.6	900 70.0	119 9.1
i. Approving courses of study in local colleges	224 17.4	999 77.7	62 4.8
j. Approving appointments of chief administrators in local colleges	178 13.8	1026 79.8	81 6.2
k. Approving textbooks and teaching materials	65 5.0	1182 91.9	38 2.8

Except for one item at 53.7 percent and one at 47.7 percent, the remaining items ranged from 38.5 percent to 8.4 percent. When the opinions regarding centralized power were analyzed according to whether or not the respondents favored a separate board, the group favoring a separate board was found to be somewhat more likely to advocate the centralization of power than was the group which believed that the State Department of Education should remain the statewide agency. In fact, there were a number of items in which there were statistically significant differences between the two groups. Among the items in which no significant differences were found were those pertaining to approving curricula, courses of study, and textbooks. Both groups soundly rejected the idea that the state should have the power to make such approvals.

Chief Administrators

The chief administrators' list of items on power was somewhat longer than that of the staff. Administrators were asked to indicate whether the state agency should have any power in a certain area, and whether such power should be advisory only or should carry authority to approve. In Table VIII are the responses of the administrators. Table IX contains the responses to the same items according to whether the administrators believe that a separate state board should be established (group 1) or whether it should not (group 2).

The data reported in these tables best illustrate overlap between state and local authority. In each category there are variations in responses that may indicate, tentatively at best, outlines for specific local and state functions. Curriculum is generally regarded by the chief administrators as a local matter, particularly with respect to textbooks and instructional materials, yet over 70 percent favored state advice in the regional assignment of vocational curricula.

In the area of educational policies, over 75 percent of the chief administrators favored state approval of minimum standards for graduation (Table VIII). A series of interesting relationships is shown in the items relating to probation and retention. Just under three percent of the administrators thought the state should have no say in institutional probation and retention requirements in contrast to nearly 26 percent who felt the same way about internal program probation and retention. Again, just over 54 percent thought the state should approve institutional probation and retention while only 20 percent thought the state should approve internal program probation and retention. The student personnel item drew the largest response favoring state advising, with 62.8 percent. Just under 60 percent (58.5) felt the state should have no say in institutional staff organization while just over 60 percent (62.8) felt the state should approve district formation and boundaries.

The section on finance had the greatest range of opinion regarding state approval powers. In Table VIII, only 1.4 percent felt the state should approve institutional budgets, but 74.2 percent rhought it should approve the equilization formula. There was no clear agreement in charges to students or allocation of state and federal resources.

Personnel is another area traditionally regarded as a strong local power. Not one administrator suggested the state have approval power over appointment, retention, and dismissal. There does not seem to be the consensus on certification that recent actions show.

TABLE VIII

DEFINITION OF POWERS OF A STATE LEVEL AGENCY-- CHIEF ADMINISTRATORS' VIEWS
(N = 70)

How should the powers of any state agency be defined:

	None	Advise	Approve	No opinion or blank
1. Curriculum				
a. Content of curriculum in local colleges	24 34.2	34 48.5	12 17.1	0 0
b. Regional assignment of vocational curricula	9 12.8	50 71.4	9 12.8	2 2.8
c. Texts and instructional materials	51 72.8	16 22.8	1 1.4	2 2.8
d. Use of advisory committees	34 48.5	32 45.7	3 4.2	1 1.4
2. Educational policies				
a. Minimum standards for probation and retention (to institution)	2 2.8	30 42.8	38 54.2	0 0
b. Minimum standards for probation and retention (internal, to program)	18 25.7	37 52.8	14 20.0	1 1.4
c. Minimum standards for graduation	2 2.8	15 21.4	53 75.7	0 0
d. Minimum standards for student personnel services	8 11.4	44 62.8	17 24.2	1 1.4
3. Organization and facilities				
a. District formation and boundaries	4 5.7	20 28.5	44 62.8	2 2.8
b. Plant design and construction	9 12.8	52 74.2	8 11.4	1 1.4
c. Institutional staff organization	41 58.5	27 38.5	1 1.4	1 1.4

TABLE VIII--continued

4. Finance	None	Advise	Approve	No opinion or blank
a. Charges to students	11	30	27	2
	15.7	42.8	38.5	2.8
b. Allocation of resources, local	50	15	3	2
	71.4	21.4	4.2	2.8
c. Allocation of resources, state	5	16	48	1
	7.1	22.8	68.5	1.4
d. Allocation of resources, federal	9	26	33	2
	12.8	37.1	47.1	2.8
e. Institutional budgets	54	13	1	2
	77.1	18.5	1.4	2.8
f. Equalization formula	2	15	52	1
	2.8	21.4	74.2	1.4
g. Accounting practices	4	28	37	1
	5.7	40.0	52.8	1.4
5. Personnel				
a. Certification of staff	18	20	30	2
	25.7	28.5	42.8	2.8
b. Appoint, retain, dismiss	58	10	0	2
	82.8	14.2	0	2.8
c. Set salary levels	48	16	5	1
	68.5	22.8	7.1	1.4
d. Student-staff ratios	35	30	3	2
	50.0	42.8	4.2	2.8

TABLE IX[7]

VIEWS ON STATE LEVEL AGENCY POWERS COMPARED WITH ATTITUDES TOWARD SEPARATE BOARD--CHIEF ADMINISTRATORS

Group 1 - favors separate state board
Group 2 - opposes separate state board

How the powers of any state agency should be defined:

	Group 1 (N = 51)			Group 2 (N = 19)		
	None	Advise	Approve	None	Advise	Approve
1. Curriculum						
a. Content of curriculum in local colleges	17	24	10	7	10	2
	33.3	47.0	19.6	36.8	52.6	10.5
b. Regional assignment of vocational curricula	5	39	5	4	11	4
	9.8	76.4	9.8	21.0	57.8	21.0
c. Texts and instructional materials	38	10	1	13	6	0
	74.5	19.6	1.9	68.4	31.5	0
d. Use of advisory committees	23	24	3	11	8	0
	45.0	47.0	5.8	57.8	42.1	0
2. Educational policies						
a. Minimum standards for probation and retention (to institution)[8]	0	21	30	2	9	8
	0	41.1	58.8	10.5	47.3	42.1
b. Minimum standards for probation and retention (internal to program)	12	28	10	6	9	4
	23.5	54.9	19.6	31.5	47.3	21.0
c. Minimum standards for graduation	1	10	40	1	5	13
	1.9	19.6	78.4	5.2	26.3	68.4
d. Minimum standards for student personnel services[9]	4	29	17	4	15	0
	7.8	56.8	33.3	21.0	78.9	0
3. Organization and facilities						
a. District formation and boundaries	2	12	35	2	8	9
	3.9	23.5	68.6	10.5	42.1	47.3
b. Plant design and construction	4	38	8	5	14	0
	7.8	74.5	15.6	26.3	73.6	0
c. Institutional staff organization	26	23	1	15	4	0
	50.9	45.0	1.9	78.9	21.0	0

TABLE IX--continued

	Group 1 (N = 51)			Group 2 (N = 19)		
4. Finance	None	Advise	Approve	None	Advise	Approve
a. Charges to students[8]	4 7.8	22 43.1	23 45.0	7 36.8	8 42.1	4 21.0
b. Allocation of resources, local	33 64.7	13 25.4	3 5.8	17 89.4	2 10.5	0 0
c. Allocation of resources, state[8]	3 5.8	8 15.6	39 76.4	2 10.5	8 42.1	9 47.3
d. Allocation of resources, federal	4 7.8	19 37.2	26 50.9	5 26.3	7 36.8	7 36.8
e. Institutional budgets	37 72.5	11 21.5	1 1.9	17 89.4	2 10.5	0 0
f. Equalization formula	2 3.9	10 19.6	38 74.5	0 0	5 26.3	14 73.6
g. Accounting practices	4 7.8	19 37.2	27 52.9	0 0	9 47.3	10 52.6
5. Personnel						
a. Certification of staff	15 29.4	12 23.5	23 45.0	3 15.7	8 42.1	7 36.8
b. Appoint, retain, dismiss	41 80.3	9 17.6	0 0	17 89.4	1 5.2	0 0
c. Set salary levels	32 62.7	13 25.4	5 9.8	16 84.2	3 15.7	0 0
d. Student-staff ratios	23 45.0	24 47.0	3 5.8	12 63.1	6 31.5	0 0

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[7] For clarity the blank response column from Table VIII has not been repeated here.

[8] Note significant differences at the .05 level for items 2a, 4a, and 4c.

[9] Note significant differences at the .02 level for item 2d.

When the differences in opinion between the two administrator groups were analyzed, in Table IX, in only four items were significant differences found. In cases where the comparison of simple contrasts showed no significant differences, the differences are spread over the response alternatives of the item. This is true of items 2a, 4a, and 4c. In item 2d, the difference is found in the "approve" column.

It might be noted here that the response columns are in ascending degrees of power: none, advise, approve. In three out of four items showing significant differences, group 1 allocated a majority of responses to the approve column while group 2 allocated a majority of responses to the advise column in three out of four items.

If the state powers were arranged in descending order the following sequence would appear for those favoring a separate agency (group 1):

Minimum standards for graduation	78.4%
Allocation of resources, state	76.4
Equalization formula	74.5
District formation and boundaries	68.6
Accounting practices	52.9

A similar list for those from group 2 reveals:

Equalization formula	73.6%
Minimum standards for graduation	68.4
Accounting practices	52.6
Allocation of resources, state	47.3
District formation and boundaries	47.3

It can be seen that the rankings are similar, although it would seem that those who favor a separate agency tend to grant that agency more power than those who do not favor a separate structure.

In one part of the chief administrators' questionnaire, questions were patterned on sections of a recent Illinois law defining general powers of a separate board in that state. Administrators' opinions were sought on the range of general powers that should be vested in any state agency, new or continuing, in the California context. The summary of responses is found in Table X. It is clear that there is close agreement among the administrators concerning the desirability of the state's being responsible for cooperative research, articulation, and matters pertaining to federal funds. Agreement was less widespread but still substantial, that the state should be concerned with overall planning and the determination of standards for the establishment of junior colleges.

On one item, which is not shown on the table, there was a definite lack of agreement: the inclusion of power to determine standards for physical plant. This was also the only item that showed differences significant at the .01 level. Group 1 (for the separate state board) favored such a power 62.7 percent, while group 2 (against the separate board) recorded only 15.7 percent in favor. 31.3 percent of group 1 opposed such power in contrast to 78.9 percent of group 2.

TABLE X

APPROPRIATENESS OF GENERAL POWERS FOR A STATE LEVEL AGENCY--CHIEF ADMINISTRATORS' VIEWS

(N = 70)

Sections		Yes	No	No Opinion	Blank
2-12c[10]	Cooperate with junior colleges in institutional research	67 95.7	3 4.2	0 0	0 0
2-11	Articulation	66 94.2	2 2.8	2 2.8	0 0
2-12d	Contract with other government agencies and allocate federal funds	65 92.8	4 5.7	1 1.4	0 0
2-12b	Feasibility studies for new junior colleges	63 90.0	5 7.1	2 2.8	0 0
2-10	Continuous study of status of junior colleges and biennial report to the legislature	62 88.5	7 10.0	1 1.4	0 0
2-12a	Statewide planning of locally initiated and administered comprehensive junior colleges	54 77.1	13 18.5	3 4.2	0 0
2-12f	Determine standards for establishment of junior colleges and location of site	53 75.7	14 20.0	3 4.2	0 0
2-12e	Determine efficient and adequate standards for physical plant	34 48.5	31 44.2	4 5.7	1 1.4

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[10] See Appendix III, Section 4, for complete items derived from portions of the Illinois Public Junior College Act, 1965. Section numbers in the left-hand column locate provisions of the act.

CHAPTER IV

COMPARISON OF PRACTICES IN OTHER STATES

There is considerable variation in the governance pattern of junior colleges among the states. Although there is a slight trend toward the establishment of state systems of junior colleges fully supported and controlled by the states, the dominant pattern is still that of local control with supplementary financial support from the state. In fact, this pattern is found in well over 20 states.

The role of the state in coordinating and serving junior colleges is to be considered in this context. In the majority of situations responsibility for coordination is vested in the State Board of Education or in the State Department of Education.[11] In recent years, however, there has been a trend either toward increasing the responsibility of the State Board with respect to the governance of junior colleges, or placing junior colleges under some other state agency.

Recent Developments

For example, in Texas where junior colleges have previously been under the jurisdiction of the State Department of Education, they now are under a recently created agency, the Coordinating Board, Texas Colleges and University System. Likewise, in Ohio the community colleges are under the Ohio Board of Regents. Thus, in both Texas and Ohio the junior colleges are under the board that is responsible for coordinating all higher education.

A recent study (July, 1966) by Arthur D. Little, Inc., dealt with junior colleges in Washington. The following recommendation concerned governance at the state level:

> a. The Governor should appoint immediately an Advisory Planning Committee for Community College Education. We Suggest that this committee be constituted so that seven members of the committee can later be appointed by the Governor as the new State Board for Community College Education, if and when the Legislature enacts enabling laws.
>
> The Advisory Planning Committee should be chartered to begin work with the Office of the State Superintendent of Public Instruction through the State Board of Education in planning for the development of a Division of Community College Education, and for the immediate preparation for separation,

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[11] S. V. Martorana, "The Legal Status of American Public Junior Colleges," American Junior Colleges, Edmund F. Gleazer, Jr., ed., 6th Edition, American Council on Education, Washington, D.C., 1963, p. 36.

> districting, and financing of community colleges and vocational-technical institutes in the State.
>
> b. A strong and well-staffed, and broadly capable Division of Community College Education should be created immediately within the Office of the State Superintendent of Public Instruction.
>
> As an initial step, the State Superintendent, with the advice of the Advisory Planning Committee and with the approval of the State Board of Education, should appoint a highly qualified Director of the Division of Community College Education. This new director should temporarily report to the State Superintendent and should be charged with the responsibility of defining staff requirements in the division and recruiting of appropriately qualified personnel. The definition of position descriptions, specifications and salary ranges should be developed with the advice of the Advisory Planning Committee and with the assistance of the State Superintendent and the State Board.
>
> This division should be the locus of State-level administrative responsibilities for community college (including vocational-technical institutes) budgeting and finance, State-wide planning and research, districting, and the administration of basic minimum standards regarding curriculum, professional staff qualifications, the establishment of new colleges, facilities, pupil personnel services, and community services.

Another recommendation in the Little report related to the problem of coordinating vocational education--a problem in most states, including California. The recommendation reads as follows:

> A new joint State Board for Occupational Education should be established, consisting of members from the new State Board for Community College Education, and from the State Board of Education, and an Advisory Committee on Occupational Education should be appointed by the Governor to advise the new joint board on emerging requirements for occupational education in the State and nation, and particularly in the planning and coordination of Federal and State programs affecting high schools, community colleges, and vocational-technical institutes.

The above recommendations for the state of Washington are reported here in detail not only because of their timeliness but also because the study was made in response to a recognized need for a careful review of junior college development in that state.

Separation of Functions--Four State Organizations

With respect to this paper on California, it was determined that a rather close inspection should be made of the governance practices in a limited number of states. In deciding on which states to investigate at length, an examination of recent (since 1955) changes in junior college state coordination was undertaken. From the literature it was determined that there were two recently emergent forms that should be examined for relevance and implications for California. One was the separate state board as found in Arizona and Illinois while the other was the Advisory Council to the State Board of Education as found in Florida and Michigan. An important characteristic of each state was the retention of some form of local board. This characteristic was assumed to be essential if any implications were to be drawn for California. A second criterion for the selection was that the states under study should differ in organization from the traditional pattern of state level governance for junior colleges. The traditional pattern was defined as "coordination and supervision" provided by various units of the State Department of Education.

An analysis of the separation of functions (including services and powers) among the various state and local boards was prepared as a basis for interviews in each of the four states.

Summary of Interviews by Position

1. Members, State Boards of Education	3
2. State Superintendents of Public Instruction	3
3. Members, State Boards for Community/Junior Colleges	10
4. Staff of State Departments of Education	5
5. Staff of State Boards for Community/Junior Colleges	8
6. Staff, Departments or Divisions of Vocational Education	6
7. Local Board Members	6
8. Local College Staff	
a. Administration	19
b. Faculty	8
Total positions represented	68

These interviews were conducted in the states of Arizona, Illinois, Florida, and Michigan during the month of April, 1966. Several joint interviews were conducted at the request of the respondents. All respondents were assured of anonymity and generally replied to questions in an open, constructive manner, many demonstrating keen insight into the problems of state and local coordination. In addition to the interviews, it was possible to attend a meeting of a state agency related to junior colleges in each of the four states. In two of the states, this was a meeting of the State Junior College Board. In the third it was that of the State Board of Education, and in the fourth, a meeting of the Administrative Council composed of all junior college presidents of the state and the director of the state agency.

It might be noted that a marked difference was found between "legal" structure and "actual" structure. Much of the divergence can be credited to recent alterations, appointments, and legislative activities subsequent to the publication of the various documents available for inspection. It should also be noted that despite their diverse contexts and variations in organization, the similarities of problems and obstacles in all four states were apparent.

It is understandable that the context in which each of the state systems operates varies widely with respect to traditions and concepts relating to community colleges, and that each structure is constantly evolving within its own context. Further, no state is faced with the large number of institutions and burgeoning enrollments to be found in California. The estimated full-time enrollment for each of the five states for fall, 1965, was as follows:

	Colleges	Estimated Full-Time Enrollments
Arizona[12]	4	12,600
Florida[13]	23	39,400
Illinois[14]	20	33,000
Michigan[15]	19	21,000
California[16]	75	189,000

The questions pertaining to structure asked in each of the four states were an attempt to verify the current actual division of responsibilities in the following categories:

Structure and Coordinating Functions
Curriculum
Educational Policies
Facilities
Finance
Personnel
Student Personnel

The information presented here is in sharply condensed form, following revision by various individuals in the selected states. The data from Illinois and Florida are presented in more detail, as they are perhaps most relevant to California.

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[12] The 1964-65 "Annual Report of the State Board of Directors," p. 5.

[13] "Florida Public Junior College Enrollment and Attendance, 1964-65," published September, 1965, by the Division of Community Junior Colleges. Page 4 gives the estimated full-time equivalent students 1964-65 as 39,390. This figure is given as average daily attendance with the note "ADA is roughly equal to full-time equivalent students."

[14] G. J. Froelich and S. P. Sinha, "Enrollment in Institutions of Higher Learning in the State of Illinois," Bureau of Institutional Research, University of Illinois, November 5, 1964, plus information from the State Junior College Board in Springfield, April, 1966.

[15] "Fifty Years of Community College Service to the People of Michigan," published by the Michigan Council of Community College Administrators, Lansing, (no date), page 7. An estimate for 1963-64 plus the estimated increase for the fall, 1965, from the MCCCA, Lansing, April, 1966.

[16] "Junior Colleges Active Enrollments, Fall 1965," op. cit.

Illinois

Structure and Coordinating Functions

a. Junior College Board:

Governor appoints eight members, designates chairman
Six-year overlapping terms
Superintendent of Public Instruction votes (ex officio)
Handles statewide planning and coordination of program, services, activities
Grants recognition to two-year colleges
With local colleges, conducts continuing studies of student characteristics, admission standards, grading problems, transfer students, the qualification and certification of faculty

b. Local Board:

Each college locally initiated, administered under general supervision of the Illinois Junior College Board
Seven members
Elected for three-year staggered terms

Curriculum

a. Junior College Board:

Appoints curriculum advisory committees
Reviews each major program and service; if approved, recommended to Board of Higher Education for final approval

b. Local Board:

Initiates proposals for new programs of instruction and public services
Approves individual courses, reasonable and moderate extension of current programs
Approves instructional standards
Approves admission standards for various programs

Educational Policies

a. Junior College Board:

Develops articulation procedures between two-and four-year institutions
Reports biennially to the General Assembly and public on the status of junior colleges

b. Maintains local departmental and institutional relations

Facilities

a. Junior College Board:

Approves, organizes, conducts, and finances feasibility surveys
Recommends general geographic location to Board of Higher Education
Reviews all building and capital budgets to determine proportions of costs other than local

b. Local Board:

Initiates site proposals, building plans, and development of capital budgets
Operates within the following district requirements (currently under study for upward revision):
Population: 30,000
Assessed valuation: $75,000,000
Enrollment: 1,000 students within five years (Chicago: 2,000 in five years)

Finance

a. Junior College Board:

Receives and administers all state aid for junior colleges
Develops formulas, including equalization
Allocates federal funds for junior colleges, in cooperation with other state agencies
Provides: operational support at 50 percent (currently $11.50 per semester hour); state/federal capital support at 75 percent until 1971, then 50 percent for class I colleges
Establishes guidelines for out-of-district charge-back to local district
Reviews operational budgets to determine unit costs and state aid shares

b. Local Board:

Approves operational budgets

Personnel

a. Junior College Board:

None

b. Local Board:

Selects administrators and other staff

Student Personnel

a. Junior College Board:

None

b. Local Board:

Carries responsibility for all aspects of student affairs

Florida

Structure and Coordinating Functions

a. State Board of Education:

Provides coordination and establishes the framework for junior college operation
Members: Governor, Secretary of State, Attorney General, State Treasurer, State Superintendent of Public Instruction

b. State Superintendent of Public Instruction:

Acts as executive officer of the State Board; administers State Board Regulations
Recommends surveys for new junior college areas

c. State Junior College Board:

Governor appoints seven members
Four-year overlapping terms
Executive Secretary is the Director of Division of Community Junior Colleges
Functions in advisory capactiy to State Board of Education

d. State Department of Education/Division of Community Colleges:

Provides professional staff of the State Junior College Board
Coordinates with other state agencies
Cooperates with Division of Accreditation in review of annual reports
Organizes evaluation committees

e. Council of Presidents:

One president from each county maintaining one or more junior colleges
Serves in advisory capacity to the State Junior College Board
Chairman: Director of Division of Community Junior Colleges

f. Council of Deans:

Academic deans of each junior college
Serves in advisory capacity to Council of Presidents
Chairman: staff member within the Division of Community Junior Colleges

g. County Board of Public Instruction:

Constitutes legal local entity for the junior college as part of the county school system
Coordinates junior college program with other levels within the county, particularly adult education and vocational-technical education

h. Local Advisory Committee:

County Board appoints on a geographical basis
Serves in advisory capacity to the County Board
Meets at least once each quarter

Curriculum

a. State Board of Education:

Establishes minimum standards and criteria to determine level of work to be offered

b. State Junior College Board:

Recommends minimum standards to State Board of Education

c. County Board of Public Instruction:

Reviews local advisory committee recommendations

d. Local Advisory Committee:

Studies and recommends new curricula and programs in occupational, adult and community services
Assumes leadership in college-community relations

Educational Policies

a. State Board of Education:

Develops regulations which promote the sound operation of junior colleges

b. State Junior College Board:

Reviews and submits to State Board of Education changes in law providing for operation of junior colleges
Recommends to State Board articulation procedures among secondary schools/junior colleges/university

c. State Department/Division of Community Colleges:

Develops and implements plans, standards of quality for the administration, operation, physical plant development, and accreditation of community junior colleges in accordance with State Board regulations

d. Local Advisory Committee:

Recommends to the County Board of Public Instruction those educational policies generally deemed to be in the best interest of the college

Facilities

a. State Board of Education:

Approves establishment or acquisition of a public junior college in a county
Approves site in a two-county junior college area
Adopts regulations relating to planning and construction of buildings

Florida--continued

Establishes minimum standards
Approves project list

b. State Superintendent of Public Instruction:

Approves master plans for campus and buildings

c. State Junior College Board:

Establishes policies governing facilities (constructed or acquired)
Reviews and develops a list of capital requests including cost estimates and plans
Prepares and submits road and paving projects to the State Road Board

d. State Department/Division of Community Colleges:

Conducts surveys and approves sites in accordance with State Master Plan
Conducts research on plant utilization
Consults on all junior college building plans

e. County Board of Public Instruction:

Conducts a survey on proposal to establish a junior college
Reviews and recommends approval of plans

Finance

a. State Board of Education:

Authorizes any matriculation or tuition fees
Adopts regulations relating to preparation and approval of budgets
Adopts regulations relating to authorization and approval of federal programs
Adopts policies regarding development of salary schedules

b. State Superintendent of Public Instruction:

Approves budgets for junior colleges
Apportions state funds for junior colleges

c. State Junior College Board:

Recommends to State Board minimum fees charged to students
Cooperates with University Board of Regents in developing policies and procedures
Approves all requests for grants or gifts to be used for expanding or establishing programs in junior colleges
Reviews, develops, and recommends capital outlay projects to State Board of Education as basis for request to legislature

d. State Department/Division of Community Colleges:

Administers disbursements to colleges under the Minimum Foundation Program
Analyzes and recommends approval of budgets of junior colleges
Administers disbursement of Minimum Foundation and capital outlay funds

e. County Board of Public Instruction:

Recommends approval of budgets to State Superintendent
Requests releases of capital outlay funds as needed for junior colleges
Establishes policies relating to administration of internal account funds
Adopts salary schedule upon recommendation of Advisory Committee

f. Local Advisory Committee:

Recommends to and advises County Board on matters of finance
Works with the president in developing a budget

Personnel

a. State Board of Education:

Approves the appointment and dismissal of each junior college president
Appoints county junior college advisory committees
Adopts credential regulations
Adopts regulations relating to employment and other personal matters

b. State Junior College Board:

Recommends certification standards for all faculty members
Receives and reviews the County Board's nomination for new presidents of junior colleges

c. State Department/Division of Community Colleges:

Conducts research on teacher utilization

d. County Board of Public Instruction:

Nominates junior college advisory committee
Approves appointment of faculty members

e. Local Advisory Committee:

With concurrence of the county superintendent, recommends individuals for presidency
Makes recommendations relating to personnel to County Board

Student Personnel

a. State Department/Division of Community Colleges:

Cooperates in the staffing and operation of the Junior College Conference

b. Local Advisory Committee:

Carries responsibility for all aspects of student affairs

Arizona

Structure and Coordinating Functions

a. State Board of Directors for Junior Colleges:

Of 17 members, the Governor appoints 14, one from each county, with approval of the Senate. The other three members are ex-officio: a member of the Board of Regents, the State Superintendent of Public Instruction, the State Director of Vocational Education

Appointive members serve seven-year overlapping terms. Two are appointed each year

Sets standards for the establishment, development, administration, operation, and accreditation of junior colleges.

b. Local Board:

Five members, each elected from a different precinct

Five-year terms

c. State Board of Directors for Junior Colleges:

After cooperative study of curricular matters with the appropriate local board, has the power to establish and locate curricula by institution

Has the prerogative to approve single-course offerings

d. Local Board:

Initiates curricula and/or curricular changes

Enforces prescribed courses and the use of adopted texts

Awards degrees, diplomas, certificates

Educational Policies

a. State Board of Directors for Junior Colleges:

Enacts ordinances that establish the government of the institutions under its jurisdiction

b. Local Board:

Operates and administers the college under its control through its appointed administrative officers

Facilities

a. State Board of Directors for Junior Colleges:

Selects and purchases sites, purchases personal property, and holds title to the facilities

b. Local Board:

Conducts surveys and initiates plans
Signs construction contracts jointly with State Board

Finance

a. State Board of Directors for Junior Colleges:

Sets tuition fees
Collates and submits district budget requests to legislature. No equalization factors are used
Allocates $115 per full-time equivalent yearly for capital outlay, plus an initial campus grant of up to 50 percent of capital costs up to $500,000
Allocates $525 per full-time equivalent yearly for operational outlay for the first 1,000 students; $350 per full-time equivalent for all students over 1,000

b. Local Board:

Determines budget, administers trusts, fixes salaries, makes decisions on bond issues for district vote

Personnel

a. State Board of Directors for Junior Colleges:

Grants credentials to all staff

b. Local Board:

Selects employees

Student Personnel

a. State Board of Directors for Junior Colleges:

None

b. Local Board:

Responsibile for all aspects of student affairs

Michigan

Michigan is markedly different from the states previously described. It adopted a new constitution in 1963 which identified the composition, structure, and powers of the various units of higher education within the state. During 1965 a major revision of the State Department of Education was undertaken which saw 104 units combined, abolished or reconstituted into 19 major units. Following the resignation of the State Superintendent of Public Instruction there was a long delay in the appointment of his permanent successor. Many of the major posts within the structure were not filled until the State Board had appointed the State Superintendent.

The State Board of Education, which took office on January 1, 1965, has responsibility that did not exist under the old constitution, namely "to serve as the general planning and coordinating body for all public education, including higher education," and to "advise the Legislature as to the financial requirements in connection therewith." One of the significant functions from a community college point of view is the requirement that the State Board of Education be responsible for "leadership and supervision of all public non-baccalaureate education."

The members of the State Board of Education are nominated by party convention and elected at large for terms of eight years. Two individuals are elected each year. All the current board members have the same political party affiliation.

The State Board for Public Community and Junior Colleges (hereafter referred to as the Community College Board) is characterized as advisory to the State Board. There has been considerable discussion, even controversy, in Michigan over the defined relationship between the Community College Board and the State Board of Education.

The Community College Board consists of eight members appointed by the state board for 8-year terms. The State Superintendent of Public Instruction is an ex officio member. The Division of Higher Education will furnish staff services.

There is currently no direct connection between vocational education and the Community College Board. The Higher Education Facilities Commission is advisory to the State Board of Education. The person appointed assistant superintendent of the Bureau of Higher Education will provide liaison between the commission and the board. This position will also provide a connection to the State Board of Education.

At one time there was a budget and building division within the State Department of Education, but this now is part of the Governor's Budget Office. Its function is to recommend appropriations to the Governor and determine criteria for such recommendations for community colleges in Michigan. The office has also recommended priorities in capital outlay, giving first priority to academic facilities and, second, to student centers and parking lots.

Community College Districts are charter units of government, providing for the control and administration of the colleges. Board members are elected from two categories: from supporting school districts and, at large, from the entire college district. The specific number of members depends on the number of secondary school districts within the college district. The term of office is six years, with one-third of the board elected each two years. These are large boards, for even the smallest, composed of two secondary districts, would have nine members: three elected from each district and three at large. There are currently 26 junior colleges authorized in Michigan, with 19 in operation. The expectation is that probably another 10 will provide for the needs of the state.

Summary

Because of Michigan's unsettled situation, created by a new constitution with provision for new boards and personnel, the functions, powers, and roles of these varying organizations and individuals have not yet been clearly established. However, some steps have been taken in formalizing roles. The advisory role of the Community College Board seems to have been settled, at least at the state level, even if there is some disagreement about this in the field.

One individual who works in the system at the secondary level described Michigan education as "immobilized." While this may be overemphasizing the problem, there obviously has been delay and confusion. However, the State Superintendent has been selected, and hopefully the staffing of key positions may now proceed. Also, hopefully, the number of review levels (currently five) will lessen as certain boards collect power and influence, and others make use of a routine review rather than an elaborate one. The State Board of Education is also about to undertake a study leading to a master plan for higher education.

It appears that the top levels of decision-making in the state are closely linked with the legislature. One respondent forecast the future in these terms: in all probability, the State Board of Education will become the key unit in the state and will delegate considerable responsibility to the state superintendent.

Possible Implications for Governance in California

It is always risky to extract practices that seem effective in one context and apply them with confidence to a different situation. The context of each state is different from that of the others, and the political realities are such that any practice needs to be adjusted for adaptation to the California scene. On the other hand, there is reason to believe that solutions to the general problems faced by junior colleges on a national basis have some relevance to California. Certainly alternate solutions must be examined when major changes are under consideration. It is the intention here to identify practices that might bear scrutiny for application to California, and to offer their implications for evaluation by individuals and associations who represent diverse points of view.

First, any state level agency should understand and be responsive to the unique nature of the community college and its need for meticulous delineation of program and function. If the local institutions are to be sensitive to local needs, provision must be made for a diversity of operational decisions at the state level. This suggests that information collected by the state agency should be carefully identified by program or function in order to provide accurate comparisons with other institutions of higher education. Further, there are serious questions about comparisons of programs drawn between "selective admission" institutions and "open door" institutions. For that matter, variant programs within "open door" institutions have historically required diverse approaches. The multi-functional nature of the community college requires that the individuals in any state level agency understand the problems faced by institutions and be sympathetic to the need for local operational decisions.

Second, some state level agency should become the single reporting agency for junior colleges in California, i.e., there should be a primary agency to receive and disseminate information. This single reporting agency is a major need in a coordinating unit which must relate to all the colleges, the Coordinating unit which must relate to all the colleges, the Coordinating Council, the State Department of Education and other state agencies, the legislature and the federal government.

This single reporting agency is found in two of the states visited--Arizona and Florida--the two states which have had a centralized state level agency for some time. In Illinois and Michigan the centralized single reporting function has not yet been effected. This lack has been the source of some confusion and conflict. In Illinois there are three agencies to which the junior colleges report: a board for vocational education for occupational curricula, a board of higher education for the federal facilities program, and a state junior college board which is the major reporting agency. Michigan junior colleges are served by several offices in a much more decentralized system. The delays in reorganization of the State Department of Education in Michigan prevent a clear analysis of the situation in that state. In Florida and Arizona the single reporting agency provides a practical and efficient channel for state apportionment of funds, comparative cost studies, facility planning, curriculum articulation, and long-range planning. Florida also uses automated reporting procedures to facilitate many aspects of the educational enterprise.

Third, greater cooperation and coordination of all segments of higher education are essential for the welfare of students across the state as well as for the efficient expenditure of state funds. In some states the conflict among and between institutions or segments has reached major proportions to the detriment of all concerned. California's Coordinating Council for Higher Education hopefully may provide the mechanism for the alleviation of interinstitutional or segmental conflicts prior to reaching legislative levels. Illinois sees its Board of Higher Education performing in such a fashion. Florida, however, does not have such a coordinating body and instead has created a common ground described by the phrase "cooperative responsibilities." This means that the State Board of Education and the Board of Regents of the University share responsibilities for admission of students, appointment of chief administrators, and the establishment of new institutions. Arizona accomplishes the coordinating function by placing a member of the university regents on the State Board of Directors for Junior Colleges.

Fourth, any state agency for junior colleges should strive to reduce multiple review levels. Proliferation of multiple review levels with divergent criteria for program and facilities is not only an uneconomic use of staff but is also conducive to delay in initiating curricula and new facilities. Florida has developed complex review patterns at both local and state levels. Currently in California this pattern appears to be developing. For example, the existing regulations for the junior college construction act require budget and/or plan approvals by the local board, the State Department of Education, the Department of Public Works, the Department of Finance, and finally the Legislature. Obviously not all reviews are merely repetitious but if such review levels can be shown to be economically valid, the reason for different criteria should be clearly understood. Further, there are a number of issues involved with the way criteria should be developed.

Fifth, there would seem to be alternate methods of determining levels of state support. In Florida and Arizona, the straightforward apportionment of state funds for both operational and capital outlay expenditures on a formula basis appears to have been beneficial. Over the years, California has developed an extremely complex pattern of school finance. Part of the complexity is derived from the original use of secondary support patterns, part from the development of multiple programs, and part from the variations in level of local wealth. Most experts agree that a simplification of educational finance in the state is overdue.

Sixth, an adequate mechanism for the coordination of vocational-technical education must be provided. In three of the four states the coordination, articulation, and program evaluation of vocational education is regarded as a major problem. The essence of the problem is that the state organizational structures for vocational education preceded the development of comprehensive junior colleges and have not been modified recently (except for Michigan). Reference has been made to recommendations on this point for the State of Washington. In Arizona the coordination and articulation are achieved by having the State Vocational Education Director sit on the Arizona Board of Directors as an ex officio member with full voting powers. Such possibilities should be considered in California. California has the most extensive vocational program in junior colleges in the nation and this should be retained and improved, in accordance with a state plan for vocational education.

What has been said about vocational education can be applied to adult education. This function has been the subject of continuing examination by educators and legislators for a number of years. The problem involved university extension, state college extension, junior college continuing education and community services, and adult education programs in the public schools. Both statewide and regional planning is called for.

Seventh, any alteration of the state governance structure may be eased by a transition period. Such a transition might be accomplished through some type of contractual relationship established for a limited period of time between the State Department of Education and any new agency. The experience in Michigan has been difficult as a result of the reorganization of the state department and insufficient personnel within the division of higher education to provide staff services to the new boards. Illinois has also faced abrupt revisions of procedures. No agency should be expected to operate without adequate budgetary support and personnel, authorized at the time of enabling legislation. The agency should be given a period of time to organize, recruit staff, and develop long-range goals prior to assuming full operational responsibilities for the junior colleges.

Eighth, junior colleges are commonly faced with complex intergovernmental and interagency relationships. In California any state agency for junior colleges must expect to face in at least four major directions: to the Legislature, to the Coordinating Council, to the State Department of Education (for a time at least), and to the local colleges. In three of these states visited the relationship to the legislature was regarded as crucial. Michigan was the exception, where the State Board of Education regarded itself as the spokesman to the legislature. The relationship to the Coordinating Council in California is unique, as none of the other states has a comparable body. Illinois is somewhat similar because the Junior College Board reports to the Board of Higher Education. This is not really a comparable situation, however, as the Board of Higher Education in Illinois has budget review responsibilities for all higher education while the Coordinating Council for Higher Education in California merely comments on the level of support for these institutions.

The relationship to the State Department of Education is crucial in all states where the services of various state level agencies are coordinated through the staffs of the junior college boards. This is particularly clear in Florida where the staff of 10 people within the Division of Community Junior Colleges is supported by at least double that number who ostensibly operate in other divisions or departments but who work almost exclusively on junior college matters. The existence of a close relationship between the state agency and local colleges is apparent in three states. An exception was again noted in Michigan where the community college board felt itself isolated from the practitioners in the field and had been active in an attempt to stimulate new voices for trustee and faculty groups. The administrative group had been its major source of information. In California there has been a long history of multiple voices speaking for special interest groups within the junior colleges. The state level agency should maintain continuing contact with these various associations. They will undoubtedly continue to be active and vocal in matters of special interest to them.

Ninth, the articulation of educational programs is a continuing concern to junior colleges at the institutional level. It ranks high on the list of services requested of any state level agency by chief administrators of California junior colleges, yet three of the four states visited currently delegated such responsibility to the local institution instead of the state agency. The fourth state, Florida, was much concerned about articulation problems from both student and curricular perspectives. The rapid expansion of junior colleges in Florida has focused attention on the need to provide transfer mechanisms as well as to examine the subject matter content of the freshman and sophomore courses. The leadership shown in that state by the junior college representative on an intersegmental state-wide articulation committee has been favorably reported by university and junior college personnel. The subject matter "task force" committees will in time cover the major area of Florida higher education.

Finally, the implications from other states should not be regarded as prescribing limits beyond which California cannot or should not go. California has provided leadership in the past and has great strength in personnel and experience upon which to draw. There are several specific areas, which have not been developed or well defined in other states, to which California should possibly address its attention. Among them are research and long-range planning, and the student personnel programs.

Another matter requiring serious attention in California is the revision of the Education Code. There is some advocacy for a vigorous code reorganization to establish a permissive code structure for the junior colleges in California.

In Allen and Briner's report to the Constitutional Revision Commission there appeared a forceful statement critically examining the effect of California's extremely detailed education code:

> A large percentage of bills introduced and of bills passed each session are concerned with education. There are probably three basic reasons for this, all of which have forced the Legislature to deal with detail considered entirely unnecessary in most states [including]:
>
> The repressive interpretation of law in California. School districts may do only those things which are specifically stated or implied by Code . . .

> Due to this repressive interpretation of law practically unknown in other states, changes, adaptations and innovations are often possible only by action by the Legislature. In this day of rapid change in education, this repressive interpretation deters and delays change and experimentation and needlessly burdens the Legislature. Thus we believe that serious consideration should be given to a new Constitutional provision to permit local school boards (trustees) to use reasonable discretion on matters not specifically mentioned or forbidden in State laws and regulations and to encourage them to exceed minima established by law.[17]

California should expect that whatever changes are made in state level governance will be used as a model for change and alteration in succeeding years in other locations.

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[17] Hollis P. Allen and Conrad Briner, "A Study of the Educational Provisions of the California State Constitution," prepared for the Constitution Revision Committee of the California State Legislature, Claremont Graduate School and University Center, January, 1966. pp. 17-18.

CHAPTER V

LEGAL QUESTIONS

An important consideration in assessing the advisability of a separate state board for junior colleges is the extent to which legal problems would be encountered. Such problems pertain not as much to the mere establishment of such a board as they do to the effect of transferring to a new agency certain functions and responsibilities now residing in the State Department of Education. For example, historically, as part of the public school system, the junior colleges have shared in the state school fund administered through the Department. A logical concern arises as to whether removing the junior colleges from departmental responsibility would jeopardize their continuing share in that fund. Other similar questions arise with respect to the impact of a change on various relationships between local colleges and the state.

Believing that nothing short of legal opinion on such matters whould suffice, the study staff compiled a list of what it considered relevant legal questions. The list was submitted to the Office of the Legislative Counsel.[18] The Counsel's reply, #6973, dated August 5, 1966, follows. In the interest of brevity, certain references to code sections and court decisions have been omitted as indicated by three-dot marks (. . .). For the verbatim text of the queries, see Appendix VI.

> You have asked a series of questions concerning problems connected with a proposal to establish a separate state agency for administration of public junior colleges. While we have concluded that all problems, other than those entailing compliance with federal law and requirements promulgated thereunder, are such as could be dealt with and resolved by appropriate changes in the statutory law, we should point out that the subject is complex and that the preparation of legislation will very likely entail a careful study and revision of many provisions of the Education Code. We shall limit our discussion to constitutional considerations and other major legal problems posed, without undertaking to outline all changes in the statutory law which might be entailed by the proposal.
>
> Question 1
>
> If a separate state agency were established to administer public junior colleges, would it be possible to adapt and continue the present scheme by which state financial support is provided from the State School Fund?

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[18] Among other duties, the Office of the Legislative Counsel prepares opinions on legal questions related to the drafting of legislation, at the request of California legislators and other officials. The questions discussed here were submitted to the Counsel through the office of Senator Stiern.

Opinion 1

In our opinion, if a separate state agency were established to administer the public junior colleges, it would be possible, by appropriate changes in the applicable statutory law, to adapt and continue the present scheme pursuant to which financial support is provided for junior colleges from the State School Fund.

. . .

There is nothing in the above-quoted language or elsewhere in the State Constitution, which requires that any particular segment of the public school system receiving support from the State School Fund be established and maintained under the administrative jurisdiction of the State Department of Education, or of the State Board of Education and the Superintendent of Public Instruction. The legal basis for the present such administrative structure is strictly statutory. Under these circumstances, we think it is within the power of the Legislature to enact laws providing for the creation of a new state agency which would succeed to the powers, responsibilities and functions of the State Department of Education, the State Board of Education, and the Superintendent of Public Instruction, with respect to the public junior colleges.

. . .

With reference to apportionment of the State School Fund the Legislature is given broad powers. Subject to the limitation that no less than $120 per pupil in average daily attendance be apportioned in each fiscal year from the fund to the districts and other agencies maintaining the schools, Section 6 of Article IX gives the Legislature complete authority concerning the manner in which the fund is to be apportioned.

. . .

We can conceive of no constitutional limitations or restrictions which would operate to prohibit the enactment, by the Legislature, of laws providing for the allocation of a portion of the moneys appropriated to the State School Fund to a new state agency for approtionment and disbursement by such agency to the districts maintaining junior colleges.

Question 2

What, if any, legal problems would be presented with respect to capital outlay assistance provided by the state for junior colleges?

Opinion and Analysis 2

The principles concerning the powers of the Legislature outlined in our Analysis No. 1 would be applicable with respect to state capital outlay assistance provided for junior colleges.

. . .

Question 3

What legal problems would be presented by the fact that some junior colleges are still maintained by high school districts and junior college districts?

Opinion and Analysis 3

In our opinion no legal problems which could not be resolved by appropriate changes in statutory law would be presented by the fact that some high school districts and unified school districts maintain junior colleges.

. . .

Question 4

What legal problems would be presented with respect to the relationship between the office of the county superintendent of schools and the districts maintaining the junior colleges?

Opinion and Analysis 4

. . .

There is nothing in the State Constitution which would prohibit the Legislature, upon establishing a new agency to administer junior colleges at the state level, from making appropriate provision by statute whereby the county superintendents would function within the new administrative structure with respect to junior colleges. If the present system of school districts is continued in existence in connection with the maintenance of the junior colleges, we think the county superintendents could continue to carry out the functions outlined above for those districts.

Question 5

What effect would be produced upon the role of the district attorney in local school administration?

Opinion and Analysis 5

In our opinion, the establishment of a new state agency to administer the public junior colleges would not alter the role of the district attorney or the county counsel with respect to junior colleges, provided the present system of districts is continued for purposes of local administration.

Question 6

What problems would be presented with reference to federal programs such as the vocational education programs which, at the state level, are administered by the Department of Education?

Opinion and Analysis 6

Various programs under which the federal government makes money available to the states for educational purposes require compliance with federal law by the state and local agencies through which the programs are actually administered. The federal law generally makes specific provision concerning the state agency which is to formulate plans and supervise the conduct of the program at the state level. Some serious problems would arise in connection with such programs administered locally by public junior colleges, if a new separate state agency were created to succeed to the administrative jurisdiction of the State Board of Education, the Superintendent of Public Instruction, and the State Department of Education, in connection with junior colleges.

With reference to federal vocational education programs, the Smith-Hughes Vocational Education Act (20 U.S.C., Secs. 11 to 15, incl., and Secs. 16 to 28, incl.) specifies that state-level administration shall be under the "State board of education or other board having charge of the administration of public education in the State, or any State board having charge of the administration of any kind of vocational education in the State may, if the State so elect, be designated as the State board." This requirement is incorporated by reference by the Vocational Education Act of 1964--the George-Barden Act (20 U.S.C., Secs. 151, 150o-15q, incl.), the act providing for "Area Vocational Education Programs" (20 U.S.C., Secs. 15aaa-15ggg, incl.), and the Vocational Education Act of 1963 (20 U.S.C., Secs. 35-35n).

Whether or not a separate state agency which may be established to administer public junior colleges in California will meet the above-quoted requirement of the federal law is a question which must, in the first instance at least, be determined by the federal administrative authorities. If it were determined that the separate state agency would not qualify as a "state board" under the federal law, then participation by local junior colleges in federally financed voactional education programs would be impaired, unless appropriate provision were made by state law to retain administrative jurisdiction, for vocational education purposes, in the state agencies presently charged with the responsibility.

A somewhat different requirement of this kind is imposed by the Practical Nurse Training Extension Act of 1961 (20 U.S.C. 15aa-15jj, incl.). It is specified, in Section 15jj, that for purposes of that act "'State board' means State board of vocational education or the State board primarily responsible for the supervision of public elementary and secondary schools, as designated in the state plan." Again, a serious question is presented concerning whether or not a separate state agency administering junior colleges would be approved by the federal authorities as meeting this requirement.

In addition to federal requirements concerning the particular state agency which is to administer a federally financed education program in which state and local educational agencies participate, there may be other federal requirements which would cause difficulty with reference to the proposed new state junior college agency. These may involve not only requirements imposed by particular provisions of federal law, but requirements imposed by the federal administrative authorities operating within the generally broad framework of federal statutes.

We have not undertaken to make an exhaustive inquiry into the latter possibilities, but it is clear that any legislation establishing a separate state agency to administer public junior colleges must be formulated in such a way as to make appropriate provision to meet federal requirements imposed for purposes of every federally financed education program in which public junior colleges in California participate.

Question 7

What problems would be presented with reference to school building construction and alteration, and the supervision thereof by the Department of General Services?

Opinion and Analysis 7

In our opinion any necessary provision concerning the construction and alteration of school buildings could be made by statute to accomodate the proposed scheme whereby a separate new state agency would administer the public junior colleges.

. . .

The Department of General Services--through the Office of Architecture and Construction--is required to supervise any major construction and alteration of school buildings, and to pass upon and approve or reject plans and specifications therefor (Secs. 15451-15466, incl.).

. . .

Question 8

In connection with the creation of the new state agency to administer the junior colleges, would it be possible to provide that governing boards of districts maintaining junior colleges have very broad powers such as would enable them to undertake any action not explicitly limited or prohibited by law?

Opinion and Analysis 8

This question apparently alludes to the concept of the "permissive Education Code," whereby the law would be framed in such a way as to afford the governing board of a school district, and its employees or cosignees, power to take action of any kind, subject to limitation only insofar as the law makes mandatory or prohibitory provision. The concept is described as follows in the 1959 Report of the Joint Legislative Committee for Revision of the Education Code, at page 10:

> "A large number of the respondents felt that the entire code should be changed from a mandatory code to a permissive one. This held particularly true for school administrators at the local levels. It was generally felt that mandatory or prohibitive provisions should be spelled out and, unless otherwise explicitly stated, school officials should have discretion to take action. There was considerable agreement that if this were done the size of the code would be substantially reduced."

In our opinion any undertaking, by statute, to give to school district governing boards powers beyond those founded upon the authority of particular statutory enactments of the Legislature would raise serious questions of constitutionality. It would constitute a delegation of authority far beyond what has been sustained by the courts.

. . .

CHAPTER VI

CONCLUSIONS, RECOMMENDATIONS, AND CONSIDERATIONS

The question of how California's public junior colleges will be planned, coordinated, and served must, of course, finally be determined by the legislature. Until that determination is made it is appropriate that individuals, organizations, and agencies concerned pool their thoughts in a way that will be helpful to legislators when they consider various possibilities. During this study, it became apparent that many legislators would welcome some consensus on direction.

It is true that no study is likely to assemble a body of empirical data on a problem of organization and public policy in such as way as to indicate conclusively the superiority of one form of organization over alternate forms. The number of intangibles and value judgments is too great. It is, however, possible to assess the problem in the light of social forces affecting the issue: the ever-increasing demands on the junior colleges, the alternatives available, the body of considered opinion on the subject, and the implications of practices in other states. The next step is to see whether a viable plan can be identified--one that meets the tests of good organization and government.

Little needs to be said about the forces leading to increasing reliance on the junior college in California. Ever since the Master Plan was adopted, population growth, technological development, and social change have dictated the need for more people to be educated in diverse ways. On June 28, 1966 William G. Carr, Executive Secretary of the NEA, said in an address to that body, "the United States would be repaid many times over by an effort to put at least two years of college within the reach of every high school graduate." That goal has nearly been reached in California. However, the increasing percentage of young people who are looking for some college education poses the problem of how many are to be accommodated, particularly those of moderate or low ability, and those coming from culturally different homes. Additional problems relate to the ways the junior colleges can best serve the needs of adults, and how the colleges can best contribute to community life in an era when the working life of many individuals will involve fewer hours but a greater variety of jobs.

There will continue to be the problem of how junior colleges are to be supported. The introduction of performance budgeting and cost effectiveness studies will present new demands for efficiency. Articulation with other segments of education will also be a continuing problem. The future will provide more questions of public policy concerning the junior colleges as a collective group than has been true in the past. It seems inescapable, therefore, that at both the local and the state level there will have to be a high degree of leadership and planning in order that these institutions can contribute effectively to the welfare of the state as a whole.

This, of course, does not answer the question of the most appropriate agency for direction of junior colleges. There are several alternatives. One possibility would be for the state to become fully responsible for the support and control of the junior colleges. This was not considered in the study--in fact, it was rejected in one of the assumptions underlying the study; namely, that junior colleges should remain under local control. Despite the facts that a few states have recently moved toward full state support and control, and that at least two legislators interviewed in the study said that in time California might also resort to such a pattern, there appears to be little in the California educational climate at the moment to suggest that this possibility is at hand.

The other possibilities are: 1) for the junior colleges to remain under the State Board of Education; to function with whatever organization within the State Department of Education seems feasible; and to operate with or without any type of supplementary advisory group to the Board of Education, or 2) to establish a new agency of some type for the purpose of serving and coordinating the junior colleges. As indicated earlier, the primary assignment for this study was to determine whether the latter alternative, the establishment of a separate agency, might be advisable. As a means of drawing on the information collected in the study and at the same time of looking at some of the intangible aspects of the problem, the question of advisability will be examined in the context of the following basic questions:

1. Is it (a separate agency) advisable from the standpoint of a recognized need for a strong central agency?
2. Is it advisable from the point of view of the parties to be affected?
3. Is it advisable in terms of its possible contribution to junior college development in the state?
4. Is it advisable from the standpoint of articulation among all segments of education?
5. Is it advisable from the standpoint of good government and good organization?
6. Is it advisable (or practical) from a legal point of view?

Before discussing these specific questions, a further statement should be made regarding the extent to which the present study has considered the advisability of continuing the junior colleges under the State Board of Education with the Department of Education serving as the staff agency. As shown in previous sections of this report, such a possibility was considered and opinions about it were solicited. However, the study group made no real assessment of the strengths and weaknesses of the present arrangement nor did it undertake to determine how the present arrangement could be strengthened. This was the task of another agency. The study staff would probably be remiss, however, if it did not report a general feeling, confirmed by numerous interviews, that the present situation is unsatisfactory.

The Need for a Strong Central Agency

The need for a strong agency at the state level to serve and coordinate junior colleges has already been noted, particularly with respect to new demands being made on these colleges. Recognition of the need was both expressed and implied by the members of junior college staffs, chief administrators, and legislators as they responded to questionnaires and interviews. However, the need for a strong agency with certain broad powers and responsibilities does not in itself indicate the advisability of moving to a separate board, since presumably it would be possible for the State Board working through its own appropriate agency(ies) to meet the strength criterion. With respect to junior colleges, the powers now vested in the State Board are sufficient to make it a strong agency. By its nature, a separate state board for junior colleges suggests certain advantages of visibility and identification with junior college affairs. The point is that the recognition of need for a strong agency is not in conflict with the idea of a separate agency.

Attention is called to the experience of other states as outlined in Chapter IV. It appears that among the states which are now undergoing significant junior college development, there is a strong agency at the state level.

Advisability

The Point of View of Parties Affected

Data have been reported on the overwhelming numbers of chief administrators who expressed the opinion that a separate agency should be established. (See Table II.) The return from the junior college staffs in the 12 sample institutions was less decisive, but more than 45 percent of the group, most of whom were faculty members, favored a separate agency. Another 15 percent had no opinion on the matter. The fact that certain of the associations representing faculty have historically favored such an agency would suggest that faculties in general would consider a move in this direction desirable. Opinions of junior college trustees as solicited by Sapper early in 1965, did not reveal any strong commitment to the separate board idea. However, if recent actions taken by the trustees through their association are indicative of present thinking, it would appear that they too would recognize the advisability of a separate board. Although references have been made to the attitudes of legislators, the study staff did not poll the legislators nor did those interviewed constitute a random sample. However, those who were interviewed were selected because of their known interest in junior college matters. It is appropriate to report that the majority said they believed a separate board would be desirable. Thus from the standpoint of whether such a board would meet the test of approval on the part of the parties most affected, the answer seems clear that it would.

Benefits to Junior Colleges

It is less easy to comment on how effectively a separate board would and could serve junior colleges, because there are many issues involved as well as a number of unknown potentials and possibilities. There is, for example, the question of whether a separate board would impinge on the autonomy of local districts. The answer would rest in part on the wording of the legislation, particularly with respect to the board's powers. On one hand, it would be possible to take away a great deal of autonomy from local districts by giving broad powers to a state board. On the other, a state agency could be created with insufficient power to enable it to play a leading role, thus nullifying the purpose of creating it. Between these two extremes there exists an area of optimum planning for, and monitoring of, the junior college system by a state level agency and the actual operation of the individual colleges at the local level. In this study individuals in the junior colleges were asked to assess both the specific and general powers and responsibilities that might properly be vested in any state agency. As reported earlier, there was considerable agreement on what powers the state should assume. Further, the junior college staff members and the chief administrators appeared to be liberal in what they were willing to accord to the state. Should legislation be prepared, some of the data presented in Chapter III on specific powers may be helpful.

Another vexing problem is what effect, if any, placing the junior colleges under a new board would have on the pattern and extent of the colleges' financial support from the state. Aside from the legal problem of state apportionment through an agency other than the State Department of Education, treated subsequently in this section, is the generic question of whether over the long run the junior colleges would lose the presumed advantages of present funding methods and the bases therefor. The hope has been expressed throughout the state that gradually the level of state support for junior college operation may be brought up to the level suggested by the Master Plan and that funds for capital outlay purposes may become more assured in the future than they have been in the past. Alan Post, Legislative Analyst, said to the subcommittee on Higher Education in January, 1966 that:

> Any significant change in the existing state-local financial relationship will require a significant change in the state-local administrative structure. The taxpayers as state taxpayers must be adequately represented if they are to be assured that state tax support is to be used most effectively. In the absence of a strong state board, the Legislature itself will be forced to participate more deeply in junior college matters by means of specific program legislation and fiscal controls.

(Mr. Post also based his contention that a separate board should be established on the fact that, 1) the junior colleges need a single body to represent them effectively at the legislature, and 2) that "the State Board of Education has too many concerns at the elementary and secondary levels to provide the necessary junior college leadership which the junior colleges need.") If Mr. Post is correct in his contention that any change in the financial structure is dependent upon a change in the state-local structure, there would seem to be a need for working out such a change and of doing so in a way that would be acceptable to those affected. It would appear that the change should be made with deliberation, and with all parties participating in the decision, rather than by default or by legislative fiat. Here again attention is called to Chapter IV, dealing with the experiences of other states and their possible implications for California, some of which seem to suggest that a separate agency could have a significant role to play.

Again, aside from legal problems, which will be discussed later, there are special problems on how vocational and adult education could be administered under a system of responsibility split between the State Board of Education and a separate board for junior colleges. This indeed is a problem of concern since vocational education, for example, is administered under a state plan with state and federal funds channeled through one agency. The study staff discussed this problem with numerous individuals. There appears to be the strong possibility that the State Board could contract with a separate board for the execution of those phases of either the adult or vocational programs that are agreed to be the province of the junior colleges. As to how agreements are effected, it is proposed that some type of joint committee representation on both areas of education deal with such problems as the allocation of levels of training and the funds for support. In the final analysis, the problem with regard to either or both of these areas may not be any more acute under a new arrangement than it is under the present one.

Still another problem to be considered is the relationship between unified districts now maintaining junior colleges, and a new state board for junior colleges. Unified districts now report to the State Department of Education. It would appear that with another board these districts would have to report to two agencies; the idea of double, or indeed multiple reporting, however, is not unusual in American government. There would appear to be no reason why, with all other aspects for the junior college program being entirely discrete, the matter could not be handled satisfactorily.

A factor to be considered in evaluating the potential of a separate board is its ability to attract a high level professional staff. It is assumed that such a board would have wide latitude in the salary it could pay its chief administrative officer. No doubt the salary could be comparable to that of officers of other state-wide educational agencies, and thus higher than the salary of the division chief in the Department of Education. Quite aside from the salary factor, however, is the psychological advantage in recruiting candidates for a position directly responsible to a board instead of a line position in another agency where the position is one or two places below the top. It is probable that many high calibre individuals would more likely be interested in becoming the head of a new specialized agency than they would in fitting into a long-established agency with its alleged historic burden of bureaucracy and complications in junior college affairs. Moreover, it is not only at the top position that a recruitment advantage should accrue to the separate board. Presumably comparative salary advantages for staff would hold for lower level positions also. In 1965-66, for example, the position of Associate Director II of the Coordinating Council ranged from \$18,768 to \$22,812. This was only about \$1,000 lower than the range for the position of Associate Superintendent and Chief, Division of Higher Education in the State Department of Education, and was considerably more than the range of \$13,992 to \$17,028 for the position of Chief, Bureau of Junior College Services, Administration and Finance in the Department. It could be assumed, too, that there are psychological advantages pertaining to the recruitment of staff at lower levels the same as there are for the top position.

In the final analysis, then, there appear to be indications that a separate board would be advisable from the standpoint of what it could do for junior colleges. Perhaps its most important mission would be to take the lead in planning for these institutions in a state where the magnitude of operations is as great as it is in California.

Articulation

The necessity for good articulation between the junior colleges and all other segments of education in California increases as more students move from high school into junior college and as more baccalaureate-bound students are diverted from the state college and university systems to the junior colleges. No one agency can be responsible for all or even most of the relationships between and among institutions, for individual colleges themselves must bear a heavy share of the burden for good communication, understanding, and planning. However, the need for a state agency which facilitates the process of articulation is also apparent. It is interesting to note that all 70 of the chief administrators queried in the study indicated that any state level agency should provide a major channel for articulation. Whether a separate state board would be advantageous from this standpoint is, of course, an open question. Several members of the legislature expressed the thought that it would. Discussion with various junior college administrators has revealed their feeling that the present arrangement at the state level has not facilitated good working agreements with the other segments of higher education and accomplishments have come about through the efforts of the California Junior College Association, individual colleges, and the Coordinating Council.

In part, the success of articulation depends on whether the junior colleges have a "strong voice" at the discussion table. The question of whether the members or officers of a separate state board would or could "speak for the junior colleges" is commented upon elsewhere in this report. However, it could probably be assumed that a separate board devoting all its time and attention to junior college problems could speak with authority and consensus on matters such as curriculum review, jurisdictional problems, transfer of credits, and many other facets of the articulation process. Given this situation, the board's viability as spokesman would be substantial.

An important phase of articulation naturally involves the Coordinating Council. Here again, the matter of who represents the junior colleges on the Council has a bearing on the Council's decisions. As may be recalled, SB 799 (Stiern - 1965) provided that "the executive directors [of the suggested State Board for Junior Colleges] and two members of the board who are selected by the board shall represent the junior colleges at the Coordinating Council for Higher Education." When in this study the chief administrators were asked how they felt about this specific proposal, 47 said they approved, 13 said they disapproved, and five had no opinion. Clearly the majority felt that such an arrangement would be effective.

There is no implication that the individuals representing the junior colleges on the Council to date have not been effective. Quite to the contrary, it would appear that those whom they represented, and higher education generally, are indebted to them. But from the outset there has been the question of how junior college representatives should be selected and it would seem that regardless of whether or not the provisions of the Stiern Bill were followed, a separate agency could be an effective medium of representation

As with many of the other variables, the question of advisability with respect to better articulation is partly contingent on the manner in which many of the affected parties perceive the situation. The consensus is that a separate board would facilitate articulation. The study staff recognizes the apparent advantage that a highly visible, hopefully well-informed and articulate staff, would have in seeking agreement between the junior colleges and other bodies with respect to the best possible solution for the thousands of individuals who move toward the junior colleges and from them to other educational institutions.

Relationship to Good Organization and Government

Some complex problems arise in connection with the relationship of a new board to concepts of good organization and government. A major question is whether the establishment of such a board within the already complex system of state-wide agencies for higher education would further divide state government and thus reduce its efficiency. It could be argued that the fewer the agencies at the state level, the better the administrative control by both legislature and governor. On the other hand, it appears that if establishing a new agency provides a means for better coordination, such a move is really toward greater control, not less. Thus in a general theoretical sense the move cuts two ways. Neither the literature of political science nor that of organizational theory provide "answers" at this general, theoretical level.

A more practical and manageable question concerns the effect that greater concentration of efforts at the state level would have on institutional autonomy at the local level. Here the assessment of centralization versus decentralization is of a different order. So long as local control of junior colleges is a cherished value in California there will be objections to any trend toward the diminution of local authority. But as indicated earlier, the problem exists in the state's relationship to the public schools as it does in relation to other segments of local government. Despite the trend toward the placement of greater regulatory power in the hands of the state and federal governments, local units still exist for good purposes and with many options of their own. Further, they may be better off individually as a result of the higher authority which strengthens their hands and provides alternatives to the vagaries and importunities of local pressures. The contention that a move to concentrate state concern for junior colleges in the hands of a special board may be the beginning of the end for local autonomy, could be balanced by the argument that such a move is not out of line with government practice in general nor is it incongruent with much that is current in organizational theory. The experiences of other states that have effected some type of strong junior college leadership at the state level have been reported as generally beneficial as far as local institutions are concerned. Apparently, too, such a move is no longer feared by those in California junior colleges to the extent that it once was.

Considerations of Legality

As is evident from the legal opinions expressed by the Office of the Legislative Council and summarized in Chapter V of this report, there appear to be no constitutional restraints on the establishment of a separate board. However, the counsel's statement points to a number of statutory changes that would have to be made in order to implement such a board and indicates the need to determine carefully the manner in which federally assisted programs could be administered if such a board were established.

The question of current legality does not necessarily determine advisability, particularly when the constraints are statutory. It is to be assumed that supplementary legislation would be needed to implement the functioning of a separate board, and that such legislation could be effected with comparative ease since members of the legislature would be concerned about the legality of the agency they would seek to create. Thus, as the question of a state board is discussed, the matter of possible legal roadblocks should not preclude a full airing of the problem. This should be particularly true when the weight of informed opinion tends to favor a new agency. Even the problems pertaining to federal programs would not appear too difficult of solution since either they could be reconciled by agreement or, as suggested elsewhere, contractual relations between the agencies involved could be effected. In other words, this problem, as well as others, should be viewed from the standpoint of what seems best for public policy without undue regard to legal requirements, which can and should be changed so as to accomodate such policy decisions.

Other Considerations

In addition to its primary assignment of bringing together data bearing on the advisability of a separate board the study group was asked to give attention to the membership, powers, duties, and other characteristics of such a board.

A major consideration is the composition of the board and the method by which members are selected. There would appear to be little question that the board should be appointed by the governor. The majority of the chief administrators who favored a separate board sanctioned appointment by this means. A number of the administrators qualified their response by suggesting the use of a nominating panel or list of recommendations from various professional associations as a means of assisting the governor in making his appointments. Members of the legislature were unanimous in their opinion that the members should be appointed and only a very few suggested the use of formal devices for making recommendations to the chief executive. The research staff is of the opinion that, in general, nominating panels are cumbersome. Further, it is anticipated that a governor will seek advice on matters of personnel. Naturally, it is recommended that members be appointed for overlapping terms. The present constitutional restriction of four-year terms for appointments made by the governor to state agencies is considered too short. It is hoped that the suggestion in the Allen and Briner report can be implemented with respect to establishing terms of such appointees at a range of from nine to 12 years.[19]

Of even greater importance is the matter of criteria for membership. Many suggestions have been made on this score. All those queried in the course of the study were agreed that the board should be composed predominantly of lay people, a recommendation apparently in keeping with good practice. Lyman A. Glenny, in a recent article on coordination, indicates that boards composed of a majority of lay public members tend to be granted more control of their own destinies by the legislature than are those boards with a high proportion of institutional representatives. Some respondents felt that at least a given percentage of the appointees should represent certain interest groups in the population. Others felt that at least some of the members should have had experience as members of local junior college boards. While the rationale behind such suggestions is understandable, the study staff concluded that they are not essential. Undoubtedly, a governor would wish to appoint highly competent individuals who are knowledgeable about and interested in the junior college, but to set up machinery for the apportionment of the membership seems both cumbersome and unwarranted. The members of a state board must be able to view the junior college from an overall point of view and they should be unhampered by any provincial influence, or a too-specialized point of view. This is not to say that men or women who have served as members of local boards should be excluded from an appointment. Quite to the contrary, it might well be expected that a governor should and would consider such people. The only restriction that the staff feels should be made is that no state board members should occupy a concurrent post on the board of a local college lest he be faced with a conflict of interest.

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[19] Op. cit., p. 62.

In short, the study staff recommends that any legislation with regard to membership be general, with perhaps some statement to the effect that "a majority of the board members shall be lay representatives of the public at large."

The designation of powers and duties to be vested in a state board is a task requiring careful and deliberate consideration by the various parties affected. Attention is drawn to two of the appendices, III and IV. The material excerpted from the Illinois Community College Act of 1965, which was included in the questionnaire sent to all the California chief administrators (Appendix III), is particularly relevant. How the chief administrators responded to this material has already been reported in Table X.

From a list of eight general powers the only one over which there appeared to be marked differences among the chief administrators was:

> To determine efficient and adequate standards for junior colleges for the physical plant, heating, lighting, ventilation, sanitation, safety, equipment and supplies, instruction and teaching curriculum, library, operation, maintenance, administration and supervision, and to grant recognition certificates to a junior college meeting such standards. (Item paraphrased in 2 - 12e on Table X.)

The respondents were divided almost equally on awarding this power to any state agency (48.5 percent yes, 44.2 percent no). They also commented on the currently overlapping responsibilities of the accreditation process, the State Division of Architecture, and the State Department of Education.

The second reference, Appendix IV, is a suggested Community College Act prepared by the Committee on Legislation of the American Association of Junior Colleges in collaboration with the Council of State Governments. In the eyes of the study staff, there are several major omissions in this bill for use in the California context. There should be sections on articulation, facilities planning and construction, and student personnel.

Attention is also called to Appendix V which contains a list of the powers and duties vested in the State Board of Education insofar as junior colleges are concerned.

The staff is convinced that a state board should have sufficient power to coordinate effectively the California junior colleges. Undoubtedly, these powers should be broad and general.

There remains a question of how best to effect any transition between the present arrangement and a possible separate board. Ideally, a new board, with the help of an efficient and adequate staff, should assume its appropriate responsibilities quickly. If possible, adequate lead time should be given for its organization and for the procurement and orientation of staff before it assumes full responsibility. As indicated previously, it is possible and perhaps desirable that certain functions be discharged through contractual relations with other state agencies. This would be particularly necessary in the early stages of a new board's existence.

So far nothing has been said regarding the desirability of a committee advisory to a possible separate board. The staff has had neither the time nor the responsibility for evaluating the newly established Junior College Advisory el to the State Board of Education. It is possible that this panel or a ilar body, conversant with the problems of the junior college, could render an ective service to a newly established board.

The study staff wishes to reiterate its belief that, on the basis of its dings, as well as other considerations, the establishment of a separate board advisable. Further, such a board seems necessary in terms of the important k that lies ahead in planning for and coordinating the orderly growth of the ior colleges as part of the California system of higher education. The staff ualizes several functions with which such a board and its staff must be conned, including: 1) research and planning, 2) administration and finance, curriculum and instruction, and 4) student personnel services. The key to board's responsibility is coordination and service.

The need for a new agency is also implicit in the report of the study, erred to earlier, conducted by Arthur D. Little for the State of Washington:

> Yesterday's definitions of the context and methods of community college education will become increasingly obsolete. As an educational system, community colleges are emergent, not defined. As a result, one of the primary tasks of the lay leadership and the professional administration of community colleges is educational experimentation and innovation. In practical terms, what is required is an organizational and institutional structure in which the values of innovation and experimentation, of meeting new and emerging needs in new and different ways, exert as strong a claim as the weight of practice and existing procedures.[20]

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[20] "A Policy Plan for Community Education in the State of Washington. ort to the Superintendent of Public Instruction." June 30, 1966, p. 48.

APPENDIX I

A PROPOSED STUDY OF STATE-WIDE SERVICES TO AND COORDINATION OF JUNIOR COLLEGES IN CALIFORNIA*

At a regular meeting on March 30, 1965, the Coordinating Council for Higher Education passed a resolution pertaining to junior college governance, one part of which read as follows:

> RESOLVED, That the staff of the Coordinating Council for Higher Education is directed to immediately begin an intensive study of:
>
> 1. The data pertaining to the advisability of the establishment of a State Board for the Junior Colleges, and
> 2. The composition, duties, powers, and responsibilities of such a board, and
> 3. The statutory and fiscal implications involved in such a change of governance, and
> 4. The means for insuring that such a change will not endanger the present system of joint local-state governance . . .

In June, 1965, the Council staff entered into an agreement with the Center for the Study of Higher Education to conduct such a study and to report its findings by June 20, 1966. It was agreed that the Center should address itself primarily to item 1 of the Council's resolution but that, to the extent necessary, it should deal also with the remaining three items of the resolution.

This is a revision of the tentative general outline of the Center's interpretation of the assumptions and issues underlying the problem, the types and sources of relevant information, the agencies concerned with the problems, and the procedure it proposes to follow in the conduct of the study.

Major Assumptions

1. As provided for in the Master Plan for Higher Education and in the Restudy of Higher Education which preceded it, junior colleges constitute an integral and increasingly important part of California's system of higher eduation.

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*Submitted by Leland L. Medsker, Vice-Chairman, Center for the Study of Higher Education, to the Coordinating Council for Higher Education, September 1, 1965.

2. Junior colleges will and should be closely identified with the communities they serve. This suggests that they be governed primarily by local boards of control (in most cases separate junior college boards), supported in part by local taxes, and that they serve a multiplicity of educational needs in the community.

3. Because of the heavy enrollment burden which junior colleges must bear, there will be a continuous increase in state aid to these institutions for both operating and capital outlay purposes.

4. The significance and complexity of higher education in California and its cost to the state all result in an increasing interest and concern at the state level for all higher education. In the case of junior colleges, additional state services will be needed and a greater degree of coordination may be expected.

Issues, Questions, and Problems

1. What services at the state level are needed by junior colleges?

2. What degree of coordination and regulation of junior colleges is necessary at the state level?

3. To what degree are the State Board of Education and the State Department of Education now serving and coordinating junior colleges? What services are not being performed?

4. A basic issue: Given a variety of possible organizational patterns, which one or ones would appear to provide maximum efficiency at the state level and at the same time afford maximum flexibility of response to educational needs at the local level?

5. What are the possible advantages and disadvantages of a separate state agency for junior colleges?

6. What legal problems would be involved in transferring service and coordination from the present State Board of Education to a separate board for junior colleges?

7. What should be the relationship of a separate state agency to local junior college boards and what would likely be the impact of such a board on local control? On local district organization?

8. What would be the impact of a separate agency at the state level on such matters as the pattern of financial support of the junior colleges; special state and federal programs such as MDTA, OEA; adult education; vocational education; and guarantees of tenure and retirement benefits for both professional and classified personnel?

9. If a separate agency were to be established, what should be its membership, powers, and duties?

10. What should be the nature and size of the staff for a separate agency?

Information Needed

1. The present legal responsibilities (and the interpretation of them) imposed on the State Board of Education and the State Department of Education insofar as junior colleges are concerned.

2. Perceptions and opinions regarding the role and responsibilities of any state agency established to serve junior colleges.

3. Opinions regarding the effectiveness and possible limitations of the present state-wide arrangement for serving and coordinating junior colleges.

4. Legal opinion regarding the transfer of responsibilities from the State Board of Education/State Department of Education to a separate junior college board.

5. Opinions regarding the composition, nature, and responsibilities of a possible separate state board for junior colleges.

6. Rationale behind and provisions of 1965 proposed legislation for a separate board.

7. Practices and problems in other states.

Proposed Procedure

1. Bring together a small group of representatives from appropriate agencies and organizations for the purpose of checking and further identifying issues as well as advising on procedures. Agencies concerned include:

    State Board of Education
    State Department of Education
    California Junior College Association
    California junior college faculty groups
    California School Board Association - Junior College Section
    Governmental representatives.

2. Review and compile data on the current powers, duties, and responsibilities of the State Board of Education and the State Department of Education regarding junior colleges.

3. Analyze provisions of 1965 legislation pertaining to junior college governance and, when feasible, confer with authors of such bills.

4. Compile information (from documents and by interviews) about state-wide governance practices and problems in certain selected states. A Study of two recently emerged state-wide patterns will be undertaken. Both patterns involve a specialized state agency and local boards. One form uses a separate State Board for Community Colleges while the other has a junior college council attached to the State Board of Education. Particular emphasis will be on the allocation of functions between the state agency and the local board and the possible relationship of such allocation to junior college programs and development.

5. Procure legal opinions (from Attorney General's office or the Legislative Counsel) about the legal problems involved in matters such as financial apportionment, relationship with other state agencies, etc., if a separate board were to be established.

6. Administer to the following groups a brief, but selective, questionnaire for the purpose of soliciting opinions and ideas concerning a model organization for governance of and rendering state-wide service to junior colleges.

    All junior college chief administrators
    A sample of junior college faculty members
    Junior college trustees

7. Conduct interviews with selected state officials and members of the legislature in California regarding their opinion of the model proposed in 6, above.

8. Assemble and summarize information and opinions concerning the issues involved and, after this task is completed, call a small work conference to assess the findings and, hopefully, to agree on a possible model or models for a statewide governing agency. Participants in this conference should include representatives of agencies such as those listed under Procedure, page 3, together with a consultant from the field of public administration and one from higher education.

APPENDIX II

SUPPLEMENTAL QUESTIONNAIRE CALIFORNIA
(Junior College Staff Members)

A problem in California, as in other states, is the extent to which there should be state-wide coordination of junior colleges and the agency at the state level which should be responsible for such coordination. Equally important, of course, is the question of what services a state-wide agency should render to local junior colleges.

It is possible that some staff members will have given considerable thought to such matters whereas others will not have had occasion to consider them. However, since the Center for the Study of Higher Education has been asked to study the matter of junior college governance in California, we should like to have your opinions on the following items.

We hope that you will respond from the point of view of what seems best for the total development of junior colleges and higher education in California and not merely from the way you see the situation in your own institution.

Your candid statements will be of great assistance.

1. To what extent, if at all, is it desirable that some statewide agency have the responsibility for:

		Check one		
		Desirable	Undesirable	No opinion
(1)a.	Setting probation and retention standards for junior college students	___	___	___
(2)b.	Setting standards for graduation	___	___	___
(3)c.	Approving curricula in local colleges	___	___	___
(4)d.	Approving courses of study in local colleges	___	___	___
(5)e.	Setting standards for student personnel services	___	___	___
(6)f.	Determining minimum qualifications for faculty and administrators	___	___	___
(7)g.	Serving as an official spokesman for junior colleges as a whole	___	___	___

	Check one		
	Desirable	Undesirable	No opinion
(8)h. Approving textbooks and teaching materials	___	___	___
(9)i. Approving the academic calendar	___	___	___
(10)j. Approving appointments of chief administrators in local colleges	___	___	___
(11)k. Effecting liaison between junior colleges and other segments of education	___	___	___
(12-15) l. Other:______________________________ ______________________________ ______________________________	___	___	___

2. To what extent do you consider it desirable that a state-wide agency render services such as the following to local junior colleges:

	Check one		
	Desirable	Undesirable	No opinion
(16)a. Advising on local matters	___	___	___
(17)b. Consulting on curricular and instructional matters	___	___	___
(18)c. Consulting on matters pertaining to facilities and plant construction	___	___	___
(19)d. Assisting the junior colleges and the appropriate associations in formulating and passing legislation pertaining to junior colleges	___	___	___
(20)e. Conducting research on junior college problems	___	___	___
(21)f. Assisting in applying for grants from government agencies and foundations	___	___	___
(22)g. Reporting to the field on junior college problems, practices, and findings from research	___	___	___
(23-26) h. Other:______________________________ ______________________________ ______________________________	___	___	___

3. Which of the following arrangements do you favor for California junior colleges?

(27)1___ Continue under the State Board of Education with a reorganization of the Department of Education which would bring together all department services for junior colleges within one administrative agency.

2___ Continue under the State Board of Education with a special advisory council for junior colleges and a reorganization of the Department of Education which would bring together all department services for junior colleges within one administrative agency.

3___ Establish a new separate State Board for Junior Colleges with an appropriate professional and clerical staff.

4___ Other:____
____
____

5___ No opinion.

(73-78)
(80)3

Thank you.

APPENDIX III

QUESTIONNAIRE (CHIEF ADMINISTRATORS)

Center for Research and Development in Higher Education
Junior College Governance Questionnaire
April 1, 1966

I. STRUCTURE

1. In considering the problem of coordination of and services to junior colleges, what general position do you feel would be "ideal" for any state level agency,* new or continuing, in the California context?

____a. A separate agency with its own staff, responsible for coordinating and serving the California junior college. If a separate agency, how should the membership of such a board be selected?
____Elected?
____Appointed? If appointed, by whom?________________________

____b. An advisory agency to:
____The State Board of Education
____The Coordinating Council for Higher Education
____The State Department of Education
If an advisory agency how should its membership be selected?
____Elected?
____Appointed? If appointed, by whom?________________________

____c. A staff unit (sub agency) of the State Department of Education

2. If a separate agency were to be established, what should be the composition of its membership?

____ All lay people, none of whom are members of local boards.
____ All lay people, some of whom would be members of local boards.
____ A combination of lay people and junior college professional staff.

3. If a separate agency were to be established, should there be representation on it from other segments of higher education and the State Department of Education?

____ yes
____ no
____ no opinion

---

*agency as we are using it has the broad meaning of board, department, commission, or council.

4. In your judgment, what are the principal advantages for keeping the junior colleges under the State Board of Education/State Department of Education? (Indicate no more than three)

____

____

____

5. In your judgment, what are the principal disadvantages for keeping the junior colleges under the State Board of Education/State Department of Education? (Indicate no more than three)

____

____

____

6. Senate Bill 799, 1965 article 25447.7 (Stiern--Establishing a separate board for junior colleges) reads as follows:

> . . . the executive director, and two members of the board who are selected by the board shall represent the junior colleges on the Coordinating Council for Higher Education.

Had this bill passed, how would you feel about this specific provision?

____Approve
____Disapprove
____No opinion
____What other options would you suggest for JC representation on the Coordinating Council?________________________

II. SPECIFIC STATE AGENCY SERVICES

What, if any, services should any state level agency provide?

1. Initiate and conduct research on and long range planning for:

	Yes	No	No Opinion
a. Educational media (e.g. TV)	___	___	___
b. Facility design	___	___	___
c. Curricular innovation	___	___	___
d. Faculty recruitment	___	___	___
e. Student characteristics	___	___	___
f. Administrative structure	___	___	___
g. Plant utilization	___	___	___

2. Coordinating machinery	Yes	No	No Opinion
a. Provide a major channel for articulation	___	___	___
b. Approve academic calendar	___	___	___
c. Become the general reporting agency for junior colleges	___	___	___
d. Become an information center on problems and practices	___	___	___
e. Become the general spokesman for the California Junior Colleges	___	___	___

III. SPECIFIC STATE AGENCY POWERS

How should the powers of any state agency be defined? In the blanks at the end of each category, add any item (not more than 3) that you feel essential to the division of responsibility between state agency and local college.

1. Curriculum	None	Advise	Approve
a. Content of curriculum in local colleges	___	___	___
b. Regional assignment of vocational curricula	___	___	___
c. Texts and instructional materials	___	___	___
d. Use of advisory committees	___	___	___
e. ______________________________	___	___	___
f. ______________________________	___	___	___
g. ______________________________	___	___	___
2. Educational policies			
a. Minimum standards for probation and retention (to institution)	___	___	___
b. Minimum standards for probation and retention (internal, to program)	___	___	___
c. Minimum standards for graduation	___	___	___
d. Minimum standards for student personnel services	___	___	___
e. ______________________________	___	___	___
f. ______________________________	___	___	___
g. ______________________________	___	___	___
3. Organization and facilities			
a. District formation and boundaries	___	___	___
b. Plant design and construction	___	___	___
c. Institutional staff organization	___	___	___
d. ______________________________	___	___	___
e. ______________________________	___	___	___
f. ______________________________	___	___	___

	None	Advise	Approve
4. Finance			
a. Charges to students	___	___	___
b. Allocation of resources, local	___	___	___
c. Allocation of resources, state	___	___	___
d. Allocation of resources, federal	___	___	___
e. Institutional budgets	___	___	___
f. Equalization formula	___	___	___
g. Accounting practices	___	___	___
h. ______________________________	___	___	___
i. ______________________________	___	___	___
j. ______________________________	___	___	___
5. Personnel			
a. Certification of staff	___	___	___
b. Appoint, retain, dismiss	___	___	___
c. Set salary levels	___	___	___
d. Student-staff ratios	___	___	___
e. ______________________________	___	___	___
f. ______________________________	___	___	___
g. ______________________________	___	___	___

IV. GENERAL STATE AGENCY POWERS

The following material is an excerpt from the Illinois Public Junior College Act, 1965. Would you record your reaction to any state agency, new or continuing, in the California context, having such responsibilities?

> Sec. 2-10. The State Board shall make a thorough, comprehensive and continuous study of the status of junior college education, its problems, needs for improvement, and projected developments and shall make a detailed report thereof to the General Assembly not later than March 1 of each odd-numbered year and shall submit recommendations for such legislation as it deems necessary.

_____Yes
_____No
_____No Opinion

> Sec. 2-11. The State Board in cooperation with the four-year colleges is empowered to develop articulation procedures to the end that maximum freedom of transfer among junior colleges and between junior colleges and degree-granting institutions be available, and consistent with minimum admission policies established by the Board of Higher Education.

_____Yes
_____No
_____No Opinion

Sec. 2-12. The State Board shall have the power and it shall be its duty:

(a) To provide state-wide planning for junior colleges as institutions of higher education and coordinate the programs, services and activities of all junior colleges in the State so as to encourage and establish a system of locally initiated and administered comprehensive junior colleges.

____Yes
____No
____No Opinion

(b) To organize and conduct feasibility surveys for new junior colleges . . . and the locating of new institutions.

____Yes
____No
____No Opinion

(c) To cooperate with the junior colleges in continuing studies of student characteristics, admission standards, grading policies, performance of transfer students, qualification and certification of faculties and any other problem of junior college education.

____Yes
____No
____No Opinion

(d) To enter into contracts with other governmental agencies; to accept federal funds and to plan with other state agencies when appropriate for the allocation of such federal funds for instructional programs and student services including such funds for vocational and technical education and retraining as may be allocated by state and federal agencies for the aid of junior colleges.

____Yes
____No
____No Opinion

(e) To determine efficient and adequate standards for junior colleges for the physical plant, heating, lighting, ventilation, sanitation, safety, equipment and supplies, instruction and teaching, curriculum, library, operation, maintenance, administration and supervision, and to grant recognition certificates to a junior college meeting such standards.

____Yes
____No
____No Opinion

(f) To determine the standards for establishment of junior colleges and the proper location of the site in relation to existing institutions of higher education offering academic, occupational and technical training curricula, possible enrollment, assessed valuation, industrial, business, agricultural, and other conditions reflecting educational needs in the area to be served; however, no junior college may be considered as being recognized nor may the establishment of any junior college be authorized in any district which shall be deemed inadequate for the maintenance, in accordance with the desirable standards thus determined, of a junior college offering the basic subjects of general education and suitable vocational and semiprofessional and technical curricula.

____Yes
____No
____No Opinion

________________________ __________
Signature Date

____
College

APPENDIX IV

SUGGESTED STATE LEGISLATION - VOLUME XXIV, 1965
(Reprint)

Community Junior College Act

The number of publicly supported junior colleges is growing rapidly. This development is part of the tremendous expansion of higher educational facilities to meet exploding needs for education beyond the high school level. Also it is due to the fact that junior colleges are particularly suited to assisting with several critical aspects of the educational problem. Many technical and semi-technical skills requiring one or two year programs of instruction beyond the high school can be lodged effectively in junior colleges. At the same time that the students in these programs acquire their occupational skills, they receive an additional amount of general education in order to help them meet the needs of a society in which the level of education is rising. In addition, four-year colleges are becoming overcrowded. The pinch is especially severe in the freshman and sophomore divisions, because the many causes which impel a substantial percentage of college students to leave prior to attaining a bachelor's degree operate only after the college educational process has begun. Junior colleges can relieve the enrollment pressures for the four-year institutions by giving students wishing to attend the state university or other colleges the first two years of instruction. Such students can then transfer to the senior institutions.

Because state university systems have been an important part of the educational apparatus for many years, the body of law applicable to them is already highly developed. This is not the case with the publicly supported junior college--sometimes referred to as the community college. Most of the states find themselves authorizing the construction and establishment of community junior colleges, or appropriating funds to aid in the support of such institutions, on an ad hoc basis. The very speed with which the problem has developed into major proportions has resulted in an absence of overall planning or comprehensive statutory provisions dealing with state and local responsibilities for such institutions. The suggested legislation is designed as a comprehensive state act on this subject. It assumes that in most states substantial support from the state level of government for community junior colleges is likely to be part of the pattern. In this connection it should be noted that while the draft statute proposes a set formula for state aid, states may wish to consider some kind of equalization formula (perhaps similar to one which may already be in operation for elementary and secondary education).

The suggested legislation also provides two means of establishing community junior colleges: (1) by action of one or more cities, counties, or other subdivisions, and (2) by use of a special district for each such college. The former method presumes that the regular units of local government in the area to be served are responsible for the financing of the undertaking. The special district approach should be considered if independent authority to tax, in the manner of existing school taxes, levied widely for support of primary and secondary education is desired.

Two fundamental principles underlying this suggested legislation are that each new community junior college should justify its establishment by preliminary study and analysis of community educational needs, before local and state governments make commitments for support of the venture, and that each institution should serve to fulfill part of the planned program for meeting the junior college needs of the state. To this end the legislation requires the development of a "state community junior college plan." If states already have machinery for producing and maintaining a state plan for all forms of higher education, modification of the draft act should be considered to make junior college planning part of this overall structure.

The character of the state administering agency is left open. Depending on the administrative preferences in particular states, the state agency might be an existing one such as the department of education or the state board of higher education. On the other hand, a state might prefer to establish a separate junior college agency. This organizational decision may also have a bearing on whether a state plan for all of higher education is to be developed, or whether a state community junior college plan is to be developed as such.

The suggested legislation recognizes that each local government should have the right to establish a publicly supported junior college, if it wishes to do so and if it is prepared to bear the entire financial responsibility. In such instances, the act would not apply. However, only institutions established and functioning pursuant to the act would qualify for state aid.

Suggested Legislation

[Title should conform to state requirements. The following is a suggestion: "An act providing for the establishment and maintenance of community junior colleges, and for related purposes."]

(Be it enacted, etc.)

Section 1. Definitions. As used in this act:

(a) "Community junior college" means an educational institution established or to be established by one or more cities, counties, or other subdivisions of this state, and offering specialized or comprehensive programs of instruction generally extending not more than two years beyond the high school level, which may include but need not be limited to courses in technological and occupational fields or courses in the liberal arts and sciences, whether or not for college transfer credit.

(b) "Capital outlay expense" means those funds devoted to or required for the acquisition and improvement of land; acquisition, construction, remodeling, alteration, addition or enlargement of buildings or other structures; and the purchase of furniture, apparatus, and other equipment.

(c) "Operating expense" means those funds devoted to or required for the regular or ordinary expenses of the college, including administrative, maintenance and salary expenses, but excluding capital outlay expenses.

(d) "Service area" means the geographic area included within the one or more cities, counties and other subdivisions participating in or intended to participate in the establishment or maintenance of a community junior college, [or the geographic area within an existing or proposed junior college district].

(e) "State community junior college authority" means [designate existing state agency or provide for establishment of a junior college agency].

Section 2. State Community Junior College Plan.

(a) The [state community junior college authority] shall develop, issue and, from time to time amend or revise a state plan for coordination and development of [community junior college education]. Such plan shall take due account of: (1) private institutions and facilities within the state, or which may reasonably be expected to be developed and placed in operation within the state, and (2) institutions and facilities, both public and private, to which the state or any of its subdivisions may be entitled or become entitled to send students for education in other states.

(b) In the light of institutions and facilities for [community junior college education] in existence and expected to become available for use of students within or from this state, the state plan shall set forth in such detail as may be practicable the present and projected needs of the state and its several regions for expansion or other alteration in existing institutions and facilities and for new institutions and facilities, with particular reference to those institutions and facilities appropriate for establishment and operation by the state or its subdivisions.

(c) The state community junior college plan shall take due account of all types of higher educational facilities and programs within the state or available to the people of the state. In its formulation and revision, the plan shall expressly address itself to the need to establish and maintain an appropriate balance between community junior college programs and facilities and other educational programs and facilities.

(d) No state plan, and no amendment or revision thereof, shall be issued pursuant to this section until it has been submitted to a higher education advisory committee of not less than five persons appointed by the [Governor], and until the committee has had an opportunity to meet and furnish the [state community junior college authority] with its views thereon. The committee shall be composed of persons representative of business, labor, agriculture, education and such other interests as the [Governor] may deem appropriate.

Section 3. Preparatory Study

(a) As the first step in, and as a condition precedent to the establishment of a community junior college pursuant to this act, any one or more interested cities, counties or other subdivisions of this state shall make, cause to be made, or secure a study of the need and feasibility of maintaining a community junior college.

Prior to the initiation of a study, consultations may be held with the [state community junior college authority] to obtain professional advice. The [state community junior college authority] may provide technical assistance in the study if the study is being conducted or contracted for by a city, county, or other subdivision of the state. Such study shall include evidence and analysis of each of the following:

(1) The extent and geographic boundaries of the area most appropriate as the service area for the community junior college.

(2) The present concentration of population and population trends and projections within the intended service area.

(3) Total school enrollment in grades one through twelve and in grades nine through twelve in the service area.

(4) The number of high school graduates in the service area, and a classification of them by their post-high school educational experience.

(5) Types and capacities of educational facilities beyond the high school level present in the service area or within [fifty] miles of the center of such area.

(6) Educational services needed within the service area.

(7) Ability of the service area to contribute to the financial support of a community junior college.

(8) Such other data as the [state community junior college authority] may by rule or regulation require.

(b) The preparatory study shall include recommendations concerning the establishment of the community junior college and programs of instruction which would be most appropriate for the service area at the time of establishment of the college.

(c) After due consideration of the preparatory study the [local governing board] of the jurisdiction comprising the intended service area or a portion thereof for the community junior college may make a request in writing of the [state community junior college authority] that such establishment be approved. Such a request shall be accompanied by a certified copy of the [resolution] of the [local governing board] authorizing the request; a copy of the preparatory study; a statement in such form and detail as the [state community junior college authority] may require setting forth a plan of financing for the projected community junior college; and any other information which, in the opinion of the [local governing board] may further assist in explaining or supporting the request.

(d) If two or more cities, counties or other subdivisions are included within an intended service area, the [local governing boards] of any or all such jurisdictions may cooperate in making, causing to be made or securing the preparatory study and any information appropriate in connection therewith, and may share in the costs and responsibilities thereof in such manner as they shall agree.

Section 4. Approval of Plan.

(a) After considering the request and the evidence offered in support thereof, together with such other evidence as the [state community junior college authority] may deem pertinent, the [state community junior college authority] may approve the establishment of the community junior college as proposed in the request. Upon granting such approval, the [state community junior college authority] shall so inform in writing the [local governing board or boards] of all jurisdictions to be included in the service area. In no event shall the [state community junior college authority] give approval unless it finds that the establishment and operation of the proposed community junior college would be consistent with the state community junior college plan as then in force pursuant to Section 2 of this act, or unless the [state community junior college authority] finds that special circumstances warrant an exception from the state plan and details reasons therefor. Such finding and the reasons of the [state community junior college authority] in support thereof shall constitute an amendment of the state plan and shall not be adopted in any manner other than that provided for amendment or revision of the state plan.

(b) Unless the writing by which the [state community junior college authority] communicates approval specifically states otherwise, such approval of the request shall be in the terms contained in such request. The [state community junior college authority] may condition its approval upon the modification of the plan for the proposed community junior college, or upon modification of the plan of financing. If more than one jurisdiction is to be within the intended service area, the [state community junior college authority] also may condition its approval upon actual participation in the establishment and maintenance of the community junior college by such of the jurisdictions involved as the [state community junior college authority] deems necessary to provide a minimum service area for efficient operation of the community junior college.

(c) No community junior college shall be established pursuant to this act, nor shall any community junior college be entitled to or receive state aid unless its establishment has been approved by the [state community junior college authority] as provided in this section.

(d) Any community junior college in existence on the effective date of this act shall be deemed to have been approved pursuant to this section by the [state community junior college authority] if, during the three academic years immediately preceding such effective date, such community junior college had an enrollment of not less than [300 full-time students] or an average annual enrollment of not less than [300 full-time students] for three academic years immediately preceding such effective date. Such deemed approval shall be effective for a period of [five] years from the effective date of this act. Thereafter approval pursuant to this act shall require an affirmative determination by the [state community junior college authority] that the community junior college meets the requirements of the state plan. In any case to which this subsection applies no preparatory study pursuant to Section 3 of this act shall be required. The [state community junior college authority] shall not withhold approval from any community junior college to which this subsection applies unless it details the specific reasons for so doing and recommends specific steps for the absorption, consolidation or transfer to the community junior college's programs by other institutions of higher learning.

(e) Nothing contained in this act shall be construed to prevent the establishment or operation of any community junior college pursuant to good and sufficient legal authority other than this act, but only community junior colleges established and approved or deemed to have been approved pursuant to this act shall be entitled to claim and receive state aid.

(f) Whenever the [state community junior college authority] finds that a community junior college previously approved or deemed to have been approved pursuant to this act has failed to comply with any provisions of this act or with any provisions of a rule or regulation adopted pursuant to this act, the [state community junior college authority] shall withdraw approval of the community junior college and such college shall not be entitled to state aid during the continuance of any period of withdrawal. Any action of the [state community junior college authority] in granting, denying, or withdrawing approval pursuant to this act shall be subject to review. [In accordance with the state administrative procedure act] [by a proceeding brought in the Court].

Section 5. Board of Control.

(a) The governing board of a community junior college shall be a board of control to be composed of [five] members who shall be qualified electors of the service area. Where such service area consists of more than one jurisdiction, no more than [three] of the members of the board of control shall be residents of any one such jurisdiction, and at least one member shall be a resident of each such jurisdiction. If the service area consists of more than [five] jurisdictions, the board of control shall consist of [one member resident in each such jurisdiction] or [ ].

(b) Members of the board of control shall be [elected at the general election or at special elections for the purpose, if so provided by local law] [appointed by the state community junior college authority], [appointed by the chief executive officers of each jurisdiction in the service area, acting as a board].

(c) In order to provide continuity in the work of the board of control, the terms of office of board members shall be for [six] years and shall be so arranged as not to expire at the same time. The governing boards of the jurisdictions in the service area shall provide, by appropriate resolution, for the length of terms of the members of the first board of control of a community junior college. Members of boards of control shall serve until their successors have been qualified. Vacancies in the membership of a board shall be filled by the [state community junior college authority] [remaining members of the board], [but a member of the board so appointed shall serve only until his successor has been elected and qualified at a special election held for the purpose, or in the next ensuing general election if such general election be within sixty days of the occurrence of the vacancy].

Section 6. Board of Control, Duties and Powers.

(a) The board of control, in accordance with the provisions of this act and the rules and regulations of the [state community junior college authority], shall have custody of and be responsible for the property of the community junior college and shall be responsible for the management and control of said college. The board shall make an annual report in the manner prescribed by the [state community junior college authority] and to the governing board of each participating jurisdiction.

(b) For the effectuation of the purposes of this act, the board of control of a community junior college in addition to such other powers expressly granted to it by this act and subject to the rules and regulations of the [state community junior college authority] is hereby granted the following powers:

(1) To select its own chairman and such other officers as it may deem desirable, from among its own membership.

(2) To adopt or change the name of the community junior college, with approval of [state community junior college authority].

(3) To adopt and use a seal.

(4) To sue and be sued.

(5) To determine the educational program of the college.

(6) To appoint and fix the compensation and term of office of president of the college, who shall be the executive officer of the college and an ex officio member of the board of control, without vote.

(7) To appoint upon nomination of the president, members of the administrative and teaching staffs and to fix their compensation and terms of employment.

(8) Upon recommendation of the president, to appoint or employ such other officers of the college, agents and employees as may be required to carry out the provisions of this act and to fix and determine their qualifications, duties, compensation, terms of office or employment and all other terms and conditions of employment.

(9) To fix schedules of tuition rates and fees for educational services of the community junior college at levels reasonably calculated to yield not more than [30 per cent] nor less than [15 per cent] of the operating expenses of the community junior college. Before any such tuition rates or fees are made effective, they shall be submitted to the [state community junior college authority], together with any analyses thereof and justifications therefor as such [authority] may require. Any such schedule may be put into effect by the board unless within [90 days] of its submission, together with such supporting material as may be required, the [state community junior college authority] determines it to be contrary to the requirements of this act.

(10) To grant diplomas, certificates or degrees.

(11) To enter into contracts.

(12) To accept from any government or governmental agency, or from any other public or private body, or from any other source, grants or contributions of money or property (conditional or otherwise) which the board may use for or in aid of any of its purposes.

(13) To acquire (by gift, purchase, condemnation or otherwise), own, lease, use and operate property, whether real, personal, or mixed, or any interest therein, which is necessary or desirable for college purposes.

(14) To determine that any property owned by the college is no longer necessary for college purposes and to dispose of the same in such manner and upon such terms and conditions as shall be established by it.[1]

(15) To exercise the right of eminent domain, pursuant to [provisions of state law authorizing municipalities to employ eminent domain].

(16) To make and promulgate such rules and regulations, not inconsistent with the provisions of this act or with the rules and regulations of the [state community junior college authority], that are necessary and proper for the administration and operation of the college, and for the conduct of the business of the board.

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[1] States may wish to consider applicability of statutes relating to disposal of property.

(17) To exercise all other powers not inconsistent with the provisions of this act or with the rules and regulations of the [state community junior college authority] which may be reasonably necessary or incidental to the establishment, maintenance and operation of a community junior college.

Section 7. [Use this section to provide for the participation of teachers and other college personnel in an appropriate teachers retirement system or other public employees retirement system and to secure eligibility for such other benefits such as group insurance as may be appropriate].

Section 8. Finance.

(a) Annually, at such times as local law may require, the board of control shall prepare and submit to the local governing board or boards of the jurisdiction or jurisdictions participating in the maintenance of a community junior college a budget of estimated expenditures for the next ensuing academic year. Each such budget shall contain separate estimates for capital outlay expenses and for operating expense and shall be submitted in such form and detail as may be required by local law and by any applicable rules and regulations of the [state community junior college authority]. Each such budget shall identify clearly the amount or amounts requested to be appropriated or otherwise provided by each of the one or more jurisdictions comprising the service area; the amount or amounts available or estimated to be available from gifts, grants, donations or other sources; and the amount or amounts for which application is being made or is to be made for state aid.[2]

(b) Within appropriations available therefor, and upon timely application, the [state community junior college authority] shall allot and cause to be paid to each community junior college established and approved pursuant to this act [an amount or amounts equal to the amount or amounts appropriated by the jurisdictions participating for capital outlay expense, and an amount or amounts equal to one-half of the amount or amounts so appropriated for operating expense]. State aid paid to a community junior college pursuant to this section shall be expended by such college in the same proportion to appropriated funds made available by the participating jurisdictions as the state aid bears to the total of appropriated and aid funds.

(c) In the event that appropriations available for state aid pursuant to this act in any year are insufficient therefor, the [state community junior college authority] shall distribute such aid on a pro rata basis to each community junior college entitled to and claiming such aid. In making each of its appropriations for state aid, the legislature shall specify the amount of aid being made available separately for capital outlay and operating expense, and any necessary proration shall be in each of these categories separately.

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[2] Where junior college districts with taxing power are established it should be considered whether modifications of this provision are desired.

Section 9. Cooperation in Establishing and Maintaining Community Junior Colleges. Any two or more cities, counties, or other subdivisions of this state, other than special district not having powers to establish or maintain educational institutions, may jointly establish and maintain a community junior college. They shall do so pursuant to an agreement in the form of a contract for the purpose, to be approved by the [state community junior college authority]. Any such contract shall:

(a) Set forth the extent of financial participation of each party; the financial and other obligations of each party, the duration of the contract; conditions and procedures for withdrawal, termination, and the disposition of property upon such withdrawal or termination; and any other necessary matters.

(b) Be effective and binding only in accordance with its terms, and upon adoption by appropriate act or resolution of the local governing boards of the jurisdictions to be parties thereto; provided that if the contract specifies a minimum number of parties for its effectiveness, the contract may become effective and binding only upon adoption of the contract by appropriate act or resolution of such minimum number of jurisdictions.

(c) Nothing contained in this section shall be deemed to limit or alter the [state community junior college authority's] power of approval, conditional approval, or disapproval pursuant to Section 3 of this act.

Section 10. Transfer of Property. Within applicable provisions of law, any department or agency of the state government, and any subdivision of the state may sell, give, lease, or otherwise make available any of its property to, or for use by the Board of Control of a community junior college.

Section 11. Community Junior College Districts. The service area for any community junior college established pursuant to this act may be constituted as a community junior college district for the administration and financing of the community junior college. The establishment of any such district shall require, in addition to the procedures set forth in this act for the establishment of a community junior college, full compliance with the provisions of [cite statutes governing establishment of special districts for educational purposes]. The board of control of the community junior college shall constitute and have the powers and duties of the governing board of such community junior college district. In any case of conflict or inconsistency between this act and [such statutes governing establishment and operation of special districts for educational purposes] the provisions of this act shall govern.

Section 12. Attendance of Non-resident Students.

(a) The governing board of any city, county, or other subdivision not operating or participating in the operation of a community junior college may, subject to regulations of the [state community junior college authority] and in accordance with uniform standards, promulgated by the [state community junior college authority], based upon scholarship and financial need, pay the tuition[3] for any of its residents who attend any community junior college which is aided by the state pursuant to this act.

(b) The board of control of a community junior college shall accept students from any city, county or other subdivision within this state which does not participate in the maintenance of a community junior college, to the extent that the college's facilities will permit.

Section 13. Limitation on Facilities. No community junior college established or aided pursuant to this act shall construct, acquire, or operate any dormitories or other housing facilities unless the service area for such college is of such an extent that one or more points within such service area are more than [thirty miles] from the college campus and approval for such dormitories is granted by the [state community junior college authority].

Section 14. Effective Date. [Insert effective date].

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[3] States may wish to consider whether it is desirable to provide a more comprehensive statutory formula for payments on behalf of such students. Such a formula might include recognition of some or all of the items, other than state aid, constituting sources of financial support for the community junior college.

BVQ 65
The Council of State Governments
1313 East Sixtieth Street
Chicago, Illinois 60637
January, 1965

APPENDIX V

STATE OF CALIFORNIA

OFFICE OF LEGISLATIVE COUNSEL
3021 State Capitol, Sacramento 95814
110 State Building, Los Angeles 90012
Sacramento, California
June 30, 1964

Honorable Donald L. Grunsky
Lettunich Building
Watsonville, California

State Board of Education and State Department of Education:
Duties, Powers, and Responsibilities re Junior Colleges - #6332

Dear Senator Grunsky:

You have asked us to outline the duties, powers and responsibilities prescribed by law of the Board of Education and the State Department of Education in connection with junior colleges, particularly with respect to controls by the State Board or Department over the colleges, reports which colleges must render to the State Board or Department and services by the State Board or Department.

We wish to note that in the absence of an exhaustive page-by-page examination of the entire Education Code, we cannot say that the outline includes every provision on the subject. We have carefully examined the indices to the Education Code and have included in the outline all pertinent sections revealed by the indices.

In the following outline we have included all of the specific and general provisions directly relating to junior colleges, as indicated by the indices. All section references are to the Education Code.

We have included in the outline references to specific provisions dealing with the duties, powers and responsibilities of the State Board of Education and the State Department of Education regarding junior colleges as well as general provisions which apply to certain types of schools which include junior colleges.

General Powers and Controls

Section	
151	Duty of Board* to determine policy.
152	Duty of Board to adopt rules and regulations for the government of schools other than the University of California and the California State Colleges, which may receive any financial support from the state.
352	Board is the governing and policy determining body of the State Department of Education.
1071 and 1072	Board must approve a list of societies, associations, and organizations in which school districts may take membership.
12051 to 12054	Authority of Board to adopt rules and regulations re school safety patrols.
14376	Power of Board to determine physical qualifications for employment after retirement.
25503 and 25504.5	Board to prescribe rules re scholastic achievement and other standards for provisional or probationary pupils.
25510.5	Department must annually investigate each junior college to determine if it has met minimum standards fixed by board as entitling district to receive state aid.

Powers and Controls Over Formation and Change of Boundaries

Section	
1972 1995	Board must establish minimum standards for the formation of districts and must approve or disapprove petitions for the formation.
2191 to 2198	Duties of Board to approve or disapprove petitions to transfer component districts between junior college districts, and to determine where the election thereon shall be held.
2365	Duty of Board to approve or disapprove petitions to transfer territory between unified districts.
3002	Duty of Board to adopt rules and regulations relating to county master plans for school district organization which may include grades 13 and 14 (Sec. 3003).

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*Unless otherwise indicated, "Board" shall mean the State Board of Education, and "Department" shall mean the State Department of Education.

Powers and Controls Over Formation and Change of Boundaries--continued

Section	
3003 to 3006	Power of Board to approve county master plans for school district organization.
3009	Duty of Board to notify and set forth reasons for not approving all or any part of a master plan for school district organization along with the nature of additional data or study which it deems necessary.
3131	Powers and duties of Board relative to establishing policies for reorganization and unifications of school districts.
3201	Responsibility of Board to direct county committees in the formulation of plans and recommendations for unifications and other reorganizations.
3291 3292 3306	Duties of Board relative to approval of plans and recommendations for unifications and other reorganizations and to give notice thereof.
3385	Duty of Board to act upon plans and recommendations for the dissolution of a unified district.
25430	Duty of Board to submit copy of petition for formation of a junior college district to the Coordinating Council for Higher Education.
25430.5	Authority of Board relative to advisory report from the Coordinating Council for Higher Education.
25431 25431.5	Duty of Board relating to minimum potential average daily attendance of proposed junior college district and minimum assessed valuation of taxable property therein.
25432.5	Authority of Board re formation of a new district with less than minimum attendance or assessed valuation.
25437.5	Duty of Board to establish minimum standards for the formation of junior college districts.
25438 25439.5 25450.2 25450.25	Duty of Board re petitions for elections for formations of junior college districts.
25457 to 25458.6	Duties of Board re approval of plans and recommendations for the formation of junior college districts.
25501	Power of Board to approve establishment of a four-year junior college.

Powers and Controls Over Sites and Buildings

Section	
15001	Department must establish standards for school sites.
15008	Certain leases subject to approval of Superintendent of Public Instruction.
15301 15302	Department must establish standards and make rules re school sites and construction. Must advise with district board re new sites, review and approve building plans, and, on request of district board, make surveys of district building needs and suggest financing plans therefor.
15409	District must submit to Department and obtain its written approval of plans for construction before letting contracts of over $5,000.
19551 et seq.	The Director of Education has numerous powers re state aided school construction under the State School Building Aid Law of 1952.

Powers and Controls Over Employees

Section	
13055 13056	Duties of Board re issuance of and functions requiring credentials.
13193	Authority of Board relating to minimum requirements for standard teaching credentials with specialization in junior college teaching.
13302	Principal must obtain permission from Department for employment of special lecturers.
13458	Refers to rules and regulations of the Board prescribing standards of service entitling employees to leaves of absence for travel and study.
13515	Powers and duties of Board relating to non-certificated employees serving in certificated positions after September 15, 1961.
13561	Duty of Board to adopt rules and regulations relating to teachers' duty-free lunch periods.
13575.2	Duty of Board to adopt rules and regulations relating to exchange of California teachers with schools in foreign countries.
14376	Power of Board to determine physical qualifications for employment after retirement.
25423.5	Duty of Board relating to employment by junior colleges of teachers who do not have a credential.

Powers and Controls Over Courses, Classes, and Programs

Section	
6255	Power of Board to provide for fire training program instructors.
6305	Department supervises veterans' education.
6351 6358	Department has approval power over establishment of classes for adults and must establish standards for such classes.
6360	Authority for Board to adopt rules and regulations establishing definitions relating to classes for adults in districts maintaining secondary schools (Secs. 6351 and 6359).
6432	Power of Board to adopt rules re programs for gifted pupils.
6458 6756 6757	Power of Board to adopt rules re compensatory education programs and educationally handicapped minors.
6804	Department must prescribe standards for special education for physically handicapped.
7509	Board may receive from the Curriculum Commission recommendations for the adoption of minimum standards for courses of study in kindergarten, elementary and secondary schools.
8002	Duties of Board to adopt rules and regulations re instruction in secondary schools in public safety and accident prevention and to compile a manual thereon.
8054	Duty of Board to adopt rules and regulations establishing courses in fire prevention in secondary schools.
8101	Duty of Board to adopt rules and regulations re driver education and training in secondary schools.
8154	Department exercises general supervision over physical education courses.
8301	Authority of Board re adopting rules and regulations re instruction by correspondence, of secondary school pupils.
8302	Authority of Board re adopting rules and regulations providing for correspondence instruction of any veteran enrolled in any district.
8352	Duty of Board to establish standards for work experience education in districts maintaining a high school or a junior college.
25508.5	Authority of Board re written approval of establishment of junior college classes outside of the district.

Powers and Controls Over Courses, Classes, and Programs--continued

Section	
25511	Duty of Board to establish criteria and standards for graded classes in grades 13 and 14.
25511.5	Power of Board to determine rules and regulations for the maintenance of summer schools.
25515.5 25516.5	Power of Board to approve course of study for each junior college.
25514	Contract re certain vocational education classes subject to approval of Superintendent of Public Instruction

Records

Section	
10752	Authority of Board to adopt rules and regulations concerning the transfer of cumulative records from one district to another.
10951	Duty of Board to prescribe regulations for the keeping of attendance records.
11451.5	Authority of Board to adopt rules and regulations establishing definitions and procedures relating to partial class hours in relation to average daily attendance at junior colleges.
25540.5	Duty of Board to provide for a uniform system of accounting for all junior colleges.
25541	Refers to rules and regulations of the Board relating to annual reports of revenue and expenses.
17199	Accounting system to be approved by Board.

Services Rendered to Junior Colleges

Section	
253	Superintendent of Public Instruction must furnish forms and books.
256	Superintendent of Public Instruction may enter agreements with United States re establishment of courses of study of aeronautics in junior colleges

Services Rendered to Junior Colleges--continued

Section	
258	Director of Education may enter any agreement with any school district for performance of any devices for such district by any school under jurisdiction of Department.
262 263	Director of Education may conduct experimental work in education through various media, including radio and vision, may develop audial and visual curriculum material and evolve means and methods and prescribe standards for use in public schools.
265	Director of Education may enter agreements re exchange teachers.
363	Board may establish in Department a commission to assist and advise districts in employment discrimination problems and, on request of district, advise and assist districts in problems re ethnic distribution of pupils and school attendance areas.
367	Districts may purchase publications from Department.
369	Board may establish school library consultant service and advise and assist districts re establishment, development and improvement of school libraries.
451	Department has powers re distribution of federal surplus property.
6304 6305	Department has powers re veterans' education.
6434	Board must establish in Department consultant services to advise and assist districts re gifted pupil program.
6454 6457	Board and Superintendent functions re compensatory education in elementary and secondary schools.
6754	Superintendent of Public Instruction must establish consulting services re educationally handicapped pupils.
6803	Superintendent of Public Instruction services re education of physically handicapped.
8401	Department must aid and assist districts in development and conduct of program of aviation education.
15301	Department may, on request, make survey of district's building needs and suggest financing plans.
16664	Department may advise and assist districts re recreation programs.
27054	Department may contract with districts to provide library services.

Powers and Controls Over Finances

Section	
6358	Department establishes standards for classes for adults as a basis for state apportionments.
8154	Department must advise districts re physical education.
17199	Accounting system to be approved by Board.
17201	Rules of Superintendent of Public Instruction re transfers from district general fund.
17206	Board rules re annual school district audit.
17451 et seq.	The Superintendent of Public Instruction is given various powers affecting district finances in the law re the apportionment of the State School Fund (e.g. 17503).
17555	District loses State School Fund apportionment for junior college which has for three years failed to comply with standards prescribed by Board for accredited junior colleges.
20601	Form of annual financial statements and budget classifications.
25505.5	Duties of Board re establishing non-resident fees.
25510	Duty of Board to adopt rules and regulations fixing minimum standards entitling districts to receive state aid for the support of junior colleges.
25515.5 25516.5	Power of Board to approve course of study for each junior college; no state funds unless courses so approved.
25540.5	Duty of Board to provide for a uniform system of accounting for all junior colleges.
25541	Refers to rules and regulations of the Board relating to annual reports of revenue and expenses.
25546.03 et seq.	Department administers and makes rules re aid granted under the Junior College Facility Construction Law of 1963.
25546.15	Power of Board regarding appeals from departmental decisions or actions arising out of the Junior College Facility Construction Law of 1963.

Reports

Section	
6443	Contracts re instructional television.
6458	Reports re compensatory education.
8110	Cost of instruction in automobile driver training courses.
11451.03	Report to Superintendent of Public Instruction re cumulative enrollment, active enrollment, and contact hours of pupils in grades 13 and 14.
12823 12823.1	Report re state testing program results.
13197.4	Report re assignments of certificated personnel.
13443.5	Annual report to Department of statements of reasons for dismissal or failure to rehire certificated probationary employees.
15005 15005.5	Notice to Department of proposed site acquisition near airports.
17206	Report of annual audit of district funds.
17301 et seq.	Many sections of the law re the apportionment of the State School Fund requiring districts to make reports to the Superintendent of Public Instruction (e.g. Section. 17601, report re attendance.)
19450 19626	Reports re state school building aid apportionments.
20651	Final district budget.
25423.5	Report re employment of teachers not holding credentials.
25541	Annual report of revenues and expenditures.
25505.5	Report re number of non-resident students.

Very truly yours,

A. C. Morrison
Legislative Counsel

By /S/ Barbara Cochrane Calais
Deputy Legislative Counsel

APPENDIX VI

FULL TEXT OF QUERIES ON LEGAL ISSUES

1. Since the junior colleges are now supported (for operating purposes) out of funds apportioned for the public schools and in accordance with procedures administered by the State Department of Education, what are the legal implications involved in a transfer of responsibility from the State Department to a separate agency? In other words, would it be possible legally to split the apportionment funds so that that part of them, necessary for the support of junior colleges, could be separated and made available to the new agency? If it could be assumed that state aid should be allocated on the basis of a) basic aid and b) an equalization formula, would there be any reason why the new agency could not continue this procedure as a method of allocation? Conversely, what would be involved in effecting a change if the new agency and the junior colleges themselves should conclude that a brand-new method of apportioning funds should be adopted?

   Assuming that the matter of allocating capital outlay funds would be less complicated, an opinion is nevertheless needed as to the manner in which such funds would be made available to the state agency for distribution among the colleges.

2. Since there are still a few junior colleges that are maintained by high school and unified districts and since these districts are definitely a part of the public school system governed at the state level by the State Board of Education, what are the legal implications involved for such districts should a separate state agency for junior colleges be established? Could such an agency administer to non-junior college districts?

3. Would the placement of junior colleges under a new agency in any way affect the relationship between local junior colleges and the county superintendent of schools and his office? The same question would apply, of course, if the proposed intermediate district organization would be implemented. In other words, would the intermediate school district, whether county-wide or larger, continue to serve the junior colleges as it does now?

4. A question similar to the one immediately above can be raised with regard to the role that the district attorney would play with respect to junior colleges. Again, the question is whether separating these institutions from the State Board/State Department makes any difference at the local level with regard to the way public schools ordinarily function.

5. If the new agency should be created, what would be the relationship between local junior colleges and certain state-wide services and controls now within the State Department? Here reference is made to such matters as the relationship to the Division of Architecture and to the Division of Vocational

Education through which so many federal funds come. Obviously, the state per se rightfully will insist on the usual regulations with regard to architecture and other matters pertaining to safety, prudence, etc. From what agency would all these functions be administered under a new set-up for junior colleges?

6. Senate Bill No. 779 (1965), Section 25497.3 stated:

> The State Board for Community Colleges shall succeed to all the powers, duties, and functions with respect to the management, administration, and control of junior colleges heretofore vested in the State Board of Education, Department of Education, Director of Education or in the Superintendent of Public Instruction.

We assume that there is no legal problem concerning such transfer.

Suppose that such a new agency should wish to delegate some of its powers to local colleges. For example, suppose it should be decided that local colleges alone should be responsible for such matters as the initiation of curricula and/or the selection, retention, and dismissal of personnel, could this be done?

7. Since the California Education Code is highly prescriptive, would it be possible, under the new agency, for new rules and regulations to be developed as a "permissive code" rather than under the type of stipulations now in effect?

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